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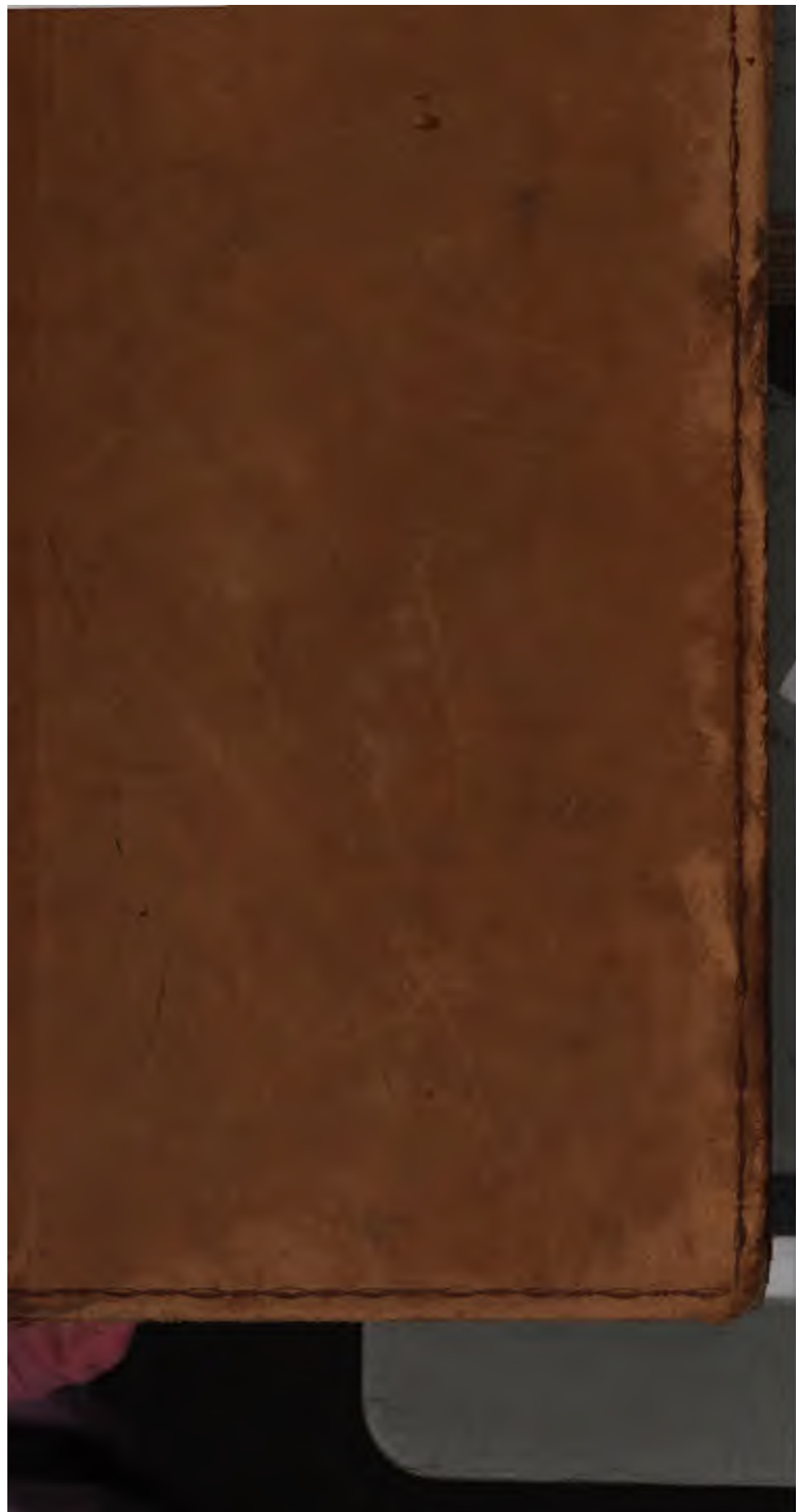
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THE  
REVOLUTIONARY DIPLOMATIC CORRESPONDENCE

OF THE  
UNITED STATES.

EDITED UNDER DIRECTION OF CONGRESS

BY FRANCIS WHARTON.

WITH  
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## CORRESPONDENCE.

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Washington to Luzerne.\*

HEADQUARTERS, *November 13, 1782.*

SIR: I am honored with your excellency's letter of the 6th instant, on a subject not more distressing to you, sir, than to myself. I have, at various periods of the war, written to Congress and to the States, endeavoring to convince them of the necessity of passing the most vigorous laws to prevent the inhabitants from furnishing the enemy with provisions. I will write them again and will use every argument I am master of for that purpose. In all other nations, I believe, the persons guilty of that crime are punished with death, and unless the States on this continent will pass similar laws, I see no means of putting a stop to that destructive practice. Anything the military could do in that matter would be in vain. To post as many guards as would be necessary would be destructive to the army, as those guards would be continually liable to be cut off by the enemy, and, indeed, the whole army would not suffice to guard the extensive coasts where this illicit commerce is carried on.

I have the honor to be, &c.,

GEORGE WASHINGTON.

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Washington to Captain Asgill.†

HEADQUARTERS, *November 13, 1782.*

SIR: It affords me singular pleasure to have it in my power to transmit you the enclosed copy of an act of Congress of the 7th instant by which you are released from the disagreeable circumstances in which you have so long been. Supposing you would wish to go into New York as soon as possible, I also enclose a passport for that purpose.

Your letter of the 18th of October came regularly to my hand. I beg you to believe that my not answering it sooner did not proceed from

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\* MSS. Dep. of State; 6 Sparks' Dip. Rev. Corr., 100.

† 6 Sparks' Dip. Rev. Corr., 99. See other letters respecting Captain Asgill's case, *supra*, July 29, October 25, November 6 and 9, 1782.

inattention to you, or a want of feeling for your situation; I daily expected a determination of your case and I thought it better to wait that than to feed you with hopes that might in the end prove fruitless. You will attribute my detention of the enclosed letters, which have been in my hands about a fortnight, to the same cause.

I can not take leave of you, sir, without assuring you that, in whatever light my agency in this unpleasing affair may be received, I never was influenced through the whole of it by sanguinary motives, but by what I conceived a sense of my duty, which loudly called upon me to take measures, however disagreeable, to prevent a repetition of those enormities which have been the subject of discussion, and that this important end is likely to be answered without the effusion of the blood of an innocent person, is not a greater relief to you than it is to, sir, your most obedient and humble servant,

GEORGE WASHINGTON.

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Livingston to Jefferson.\*

PHILADELPHIA, *November 13, 1782.*

SIR: I have the honor to transmit a resolution of Congress appointing you one of their ministers plenipotentiary for negotiating peace. I rejoice in this fresh proof of their confidence in your virtue and abilities. The sacrifices you have heretofore made to the interests of your country, induce me to hope that you will suffer no personal consideration to prevent their being employed in its service upon this important occasion.

I have the honor to be, &c.,

ROBERT R. LIVINGSTON.

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Dumas to Livingston.†

THE HAGUE, *November 15, 1782.*

SIR: Yesterday morning, after a conference with his excellency the Duc de la Vauguon, I went in a post chaise to Rotterdam and Dort in order to advise our friends in these two cities of some changes about to be made in the instructions of their ministers plenipotentiary at Paris to deprive the English minister of all pretext for conferring with those of the other belligerent powers without them. I succeeded to the satisfaction of his excellency, and our friends were duly informed and disposed, when they received this morning, while I was returning, letters on this subject from the grand pensionary. My journey has gained the time which would have been lost if they had, on reassembling here, taken the thing *ad referendum*.

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\* MSS. Dep. of State; 6 Sparks' Dip. Rev. Corr., 201.

† 5 Sparks' Dip. Rev. Corr., 359.

NOVEMBER 17.

I had the pleasure to receive this morning, on behalf of the ambassador absent at Amsterdam, the news of the readmission of M. Van Berckel, first pensionary of Amsterdam, to the assembly of their noble and grand mightinesses, where he will reappear on the 20th radiant as the sun, *disjectis nubibus*.

There has arrived a circular letter from Friesland to take away from the prince the direction of affairs. I shall have it and will add it to the gazettes.

NOVEMBER 18.

On my return Friday evening I found, sir, your favors of the 5th and 12th of September, to which I can only answer succinctly, that the present may not be delayed. I have thought a long time how much it might be advantageous both for Congress and for me, as you observe, sir, if I could enter into a minute and frequent detail of all that passes here within the sphere of my action. But let Congress remember at last that *qui vult finem, vult media*, being both essential and subsidiary. I labor all day. Often I have scarcely timely left to note briefly for myself what is done or said. I am alone. It is necessary to copy the same despatches four times if one would hope for their arrival. I could have many things to say on all this. But to what good if Congress does not say it also? I have not put my light under a bushel. I have made it shine constantly before both worlds for the service of the United States since they have called me here.

If the truths I transmit come more slowly than the falsehoods of the enemy which they may serve to contradict, it is because they may forge stories as they please, but not the truth, which arrives when it can, and which, besides, can not always be hazarded prematurely, still less be foretold, especially when the enemy might profit by it.

As to peace, we know not here what has been done about it at Paris. My opinion is that two or three more campaigns will be infinitely more salutary to the American confederation than a patched-up peace, which shall leave the enemy possessor of Canada, Nova Scotia, and Newfoundland, whence he would not cease nor be slow to vex you by all manner of means, perhaps to divide you, which will be worse. But let us wait what Parliament says at the end of this month, then we may be able to say of the congress of peace what the poet Rousseau, in his Ode to Fortune, said of a hero becoming a man again:

Le masque tombe, George reste,  
Et le Romain s'évanouit.

And so much the better, I think, for America and for this Republic.

I am, with very great respect, sir,

DUMAS.

P. S.—I thank you, sir, for the excellent letter of Mr. Paine to the Abbé Raynal. If it is possible I shall publish it in French.

**Adams' Journal of Peace Negotiations—Continued.\***

NOVEMBER 15, 1782.

Mr. Oswald came to visit me, and entered with some freedom into conversation. I said many things to him to convince him that it was the policy of my Lord Shelburne, and the interest of the nation, to agree with us upon the advantageous terms which Mr. Strachey carried away on the 5th; showed him the advantages of the boundary, the vast extent of land, and the equitable provision for the payment of debts, and even the great benefits stipulated for the Tories.

He said he had been reading Mr. Paine's answer to the Abbé Raynal, and had found there an excellent argument in favor of the Tories. Mr. Paine says that "before the battle of Lexington we were so blindly prejudiced in favor of the English, and so closely attached to them, that we went to war at any time, and for any object, when they bid us." Now this being habitual to the Americans, it was excusable in the Tories to behave, on this occasion, as all of us had ever done upon all others. He said if he were a member of Congress he would show a magnanimity upon this occasion, and would say to the refugees take your property; we scorn to make any use of it in building up our system.

I replied that we had no power and Congress had no power, and, therefore, we must consider how it would be reasoned upon in the several legislatures of the separate States, if, after being sent by us to Congress, and by them to the several States, in the course of twelve or fifteen months, it should be there debated. You must carry on the war six or nine months certainly, for this compensation, and consequently spend, in the prosecution of it, six or nine times the sum necessary to make the compensation; for I presume this war costs every month to Great Britain a larger sum than would be necessary to pay for the forfeited estates.

"How," said I, "will an independent man in one of our assemblies consider this? We will take a man who is no partizan of England or France, one who wishes to do justice to both, and to all nations, but is the partizan only of his own." "Have you seen," says he, "a certain letter written to the Count de Vergennes, wherein Mr. Samuel Adams is treated pretty freely?" "Yes," says I, "and several other papers, in which Mr. John Adams has been treated so too. I do not know what you may have heard in England of Mr. Samuel Adams. You may have been taught to believe, for what I know, that he eats little children. But I assure you he is a man of humanity and candor as well as integrity; and further, that he is devoted to the interest of his country, and, I believe, wishes never to be, after a peace, the partizan to France or England, but to do justice and all the good he can to both. I thank you for mentioning him, for I will make him my orator. What will he

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\* 3 Sparks' Dip. Rev. Corr., 701.



say when the question of amnesty and compensation to the Tories comes before the Senate of Massachusetts, and when he is informed that England makes a point of it, and that France favors her? He will say, here are two old sagacious courts, both endeavoring to sow the seeds of discord among us, each endeavoring to keep us in hot water; to keep up continual broils between an English party and a French party, in hopes of obliging the independent and patriotic party to lean to its side. England wishes them here, and compensated, not merely to get rid of them and to save themselves the money, but to plant among us instruments of their own, to make divisions among us and between us and France, to be continually crying down the religion, the government, the manners of France, and crying up the language, the fashions, the blood, &c., of England. England also means, by insisting on our compensating these worst of enemies, to obtain from us a tacit acknowledgment of the right of the war, an implicit acknowledgment that the Tories have been justifiable, or at least excusable, and that we, only by a fortunate coincidence of events, have carried a wicked rebellion into a complete revolution. At the very time when Britain professes to desire peace, reconciliation, perpetual oblivion of all past unkindnesses, can she wish to send in among us a number of persons whose very countenances will bring fresh to our remembrance the whole history of the rise and progress of the war and of all its atrocities? Can she think it conciliatory to oblige us to lay taxes upon those whose habitations have been consumed to reward those who have burned them? Upon those whose property has been stolen to reward the thieves? Upon those whose relations have been cruelly destroyed to compensate the murderers? What can be the design of France, on the other hand, by espousing the cause of those men? Indeed, her motives may be guessed at. She may wish to keep up in our minds a terror of England and a fresh remembrance of all we have suffered; or she may wish to prevent our ministers in Europe from agreeing with the British ministers until she shall say that she and Spain are satisfied in all points.

I entered largely with Mr. Oswald into the consideration of the influence this question would have upon the councils of the British cabinet and the debates in Parliament. The king and the old ministry might think their personal reputations concerned in supporting men who had gone such lengths and suffered so much in their attachment to them. The king may say, "I have other dominions abroad, Canada, Nova Scotia, Florida, the West India Islands, the East Indies, Ireland. It will be a bad example to abandon these men. Others will lose their encouragement to adhere to my government." But the shortest answer to this is the best, let the king by a message recommend it to Parliament to compensate them.

But how will my Lord Shelburne sustain the shock of opposition? When Mr. Fox and Mr. Burke shall demand a reason why the essential interests of the nation are sacrificed to the unreasonable demands of

those very men who have done this great mischief to the empire? Should these orators indulge themselves in philippics against the refugees, show their false representations, their outrageous cruelties, their innumerable demerits against the nation, and then attack the first lord of the treasury for continuing to spend the blood and treasure of the nation for their sakes?

SUNDAY, *November 17.*

Mr. Vaughan came to me yesterday and said that Mr. Oswald had that morning called upon Mr. Jay and told him if he had known as much the day before as he had since learned he would have written to go home. Mr. Vaughan said Mr. Fitzherbert had received a letter from Mr. Townsend that the compensation would be insisted on. Mr. Oswald wanted Mr. Jay to go to England; thought he could convince the ministry. Mr. Jay said he must go with or without the knowledge and advice of the court, and, in either case, it would give rise to jealousies. He could not go. Mr. Vaughan said he had determined to go on account of the critical state of his family, his wife being probably abed. He should be glad to converse freely with me and obtain from me all the lights and arguments against the Tories, even the history of their worst actions. That in case it should be necessary to run them down it might be done, or at least expose them, for their true history was little known in England. I told him I must be excused; it was a subject that I had never been desirous of obtaining information upon; that I pitied those people too much to be willing to aggravate the sorrows and sufferings even of those who had deserved the worst. It might not be amiss to reprint the letters of Bernard, Hutchinson, and Oliver to show their rise. It might not be amiss to read the history of Wyoming, in the Annual Register for 1778 or 1779, to recollect the prison ships and the churches at New York, where the garrison of Fort Washington were starved in order to make them enlist into refugee corps; it might not be amiss to recollect the burning of cities and the thefts of plate, negroes, and tobacco.

I entered into the same arguments with him that I had used with Mr. Oswald, to show that we could do nothing, Congress nothing; the time it would take to consult the States, and the reason to believe that all of them would at last decide against it. I showed him that it would be a religious question with some; a moral one with others; and a political one with more; an economical one with very few. I showed him the ill effect which would be produced upon the American mind by this measure; how much it would contribute to perpetuate alienation against England, and how French emissaries might, by means of these men, blow up the flames of animosity and war. I showed him how the Whig interest and the opposition might avail themselves of this subject in Parliament, and how they might embarrass the minister.

He went out to Passy for a passport, and in the evening called upon me again; said he found Dr. Franklin's sentiments to be the same with

Mr. Jay's and mine, and hoped he should be able to convince Lord Shelburne. He was pretty confident it would work right. The ministry and nation were not informed upon the subject. Lord Shelburne had told him that no part of his office gave him so much pain as the levee he held for these people, and hearing their stories of their families and their estates, their losses, sufferings, and distresses. Mr. Vaughan said he had picked up here a good deal of information about these people from Mr. Allen and other Americans.

In the evening the M. de la Fayette came in and told me he had been to see M. de Fleury on the subject of a loan. He told him he must afford America this year a subsidy of twenty millions. M. de Fleury said France had already spent two hundred and fifty millions in the American war, and that they could not allow any more money to her; that there was a great deal of money in America; that the king's troops had been paid and subsisted there; that the British army had been subsisted and paid there, &c. The Marquis said that little of the subsistence or pay of the British had gone into any hands but those of the Tories within the lines. I said that more money went in for their goods than came out for provisions or anything. The Marquis added to M. Fleury that Mr. Adams had a plan for going to the States General for a loan or a subsidy. M. Fleury said he did not want the assistance of Mr. Adams to get money in Holland; he could have what he would. The Marquis said Mr. Adams would be glad of it; he did not want to go, but was willing to take the trouble if necessary.

The Marquis said he should dine with the Queen to-morrow, and would give her a hint to favor us; that he should take leave in a few days, and should go in the fleet that was to sail from Brest; that he wanted the advice of Mr. Franklin, Mr. Jay, and me before he went, &c.; said that there was a report that M. Gerard had been in England and that M. de Rayneval was gone. I told him I saw M. Gerard at Mr. Jay's a few evenings ago. He said he did not believe M. Gerard had been; that he had mentioned it to Count de Vergennes, and he did not appear confused at all, but said M. Gerard was here about the limits of Alsace. The Marquis said that he believed the reason why Count de Vergennes said so little about the progress of Mr. Fitzherbert with him was because the difficulty about peace was made by the Spaniards, and he was afraid of making the Americans still more angry with Spain. He knew the Americans were very angry with the Spaniards.

MONDAY, *November 18.*

Returned Mr. Oswald's visit. He says Mr. Strachey, who set out the 5th, did not reach London until the 10th. Couriers are three, four, or five days in going, according as the winds are.

We went over the old ground concerning the Tories. He began to use arguments with me to relax. I told him he must not think of that, but must bend all his thoughts to convince and persuade his court to

give it up; that, if the terms now before his court were not accepted, the whole negotiation would be broken off, and this court would probably be so angry with Mr. Jay and me that they would set their engines to work upon Congress, get us recalled, and some others sent who would do exactly as this court would have them. He said he thought that very probable. In another part of his conversation he said: We should all have gold snuff-boxes set with diamonds; you will certainly have the picture. I told him no: I had dealt too freely with this court; I had not concealed from them any useful or necessary truth, although it was disagreeable. Indeed, I neither expected or desired any favors from them, nor would I accept any; I should not refuse any customary compliment of that sort, but it never had been or would be offered to me. My fixed principle never to be the tool of any man, nor the partizan of any nation, would forever exclude me from the smiles and favors of courts.

In another part of the conversation I said that when I was young and addicted to reading I had heard about dancing upon the points of metaphysical needles; but by mixing in the world I had found the points of political needles finer and sharper than the metaphysical ones. I told him the story of Josiah Quincy's conversation with Lord Shelburne in 1774, in which he pointed out to him the plan of carrying on the war which has been pursued this year, by remaining inactive at land and cruising upon the coast to distress our trade.

He said he had been contriving an artificial truce since he found we were bound by treaty not to agree to a separate truce. He had proposed to the ministry to give orders to their men-of-war and privateers not to take any unarmed American vessels.

I said to him supposing the armed neutrality should acknowledge American independence by admitting Mr. Dana, who is now at Petersburg with a commission in his pocket for that purpose, to subscribe to the principles of their marine treaty, the King of Great Britain could find no fault with it; he could never hereafter say it was an affront or hostility; he had done it himself. Would not all neutral vessels have a right to go to America? and could not all American trade be carried on in neutral bottoms? I said to him that England would always be a country which would deserve much of the attention of America, independently of all considerations of blood, origin, language, morals, &c.; merely as a commercial people she would forever claim the respect of America, because a great part of her commerce would be with her, provided she came to her senses and made peace with us, without any points in the treaty that should ferment in the minds of the people. If the people should think themselves unjustly treated they would never be easy, and they are so situated as to be able to hurt any power. The fisheries, the Mississippi, the Tories, were points that would rankle, and that nation that should offend our people in any of them would sooner or later feel the consequences.

Mr. Jay, M. Couteulx, and Mr. Grand came in. Mr. Grand says there is a great fermentation in England, and that they talk of uniting Lord North and Mr. Fox in administration; the Duke of Portland to come in and Keppel to go out. But this is wild.

You are afraid, said Mr. Oswald to-day, of being made the tools of the powers of Europe? Indeed I am, says I. What powers, says he? All of them, says I. It is obvious that all the powers of Europe will be continually manœuvring with us to work us into their real or imaginary balances of power. They will all wish to make of us a make-weight candle when they are weighing out their pounds. Indeed it is not surprising; for we shall very often, if not always, be able to turn the scale. But I think it ought to be our rule not to meddle, and that of all the powers of Europe not to desire us or perhaps even to permit us to interfere, if they can help it. I beg of you, says he, to get out of your head the idea that we shall disturb you. What, says I, do you yourself believe that your ministers, governors, and even nation, will not wish to get us of your side in any future war? Damn the governors, says he, we will take off their heads if they do an improper thing towards you. Thank you for your good will, says I, which I feel to be sincere. But nations don't feel as you and I do. And your nation, when it gets a little refreshed from the fatigues of the war; when men and money are become plenty, and allies at hand, will not feel as it does now. We never can be such damned sots, says he, as to think of differing again with you. Why, says I, in truth I have never been able to comprehend the reason why you ever thought of differing with us.

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Jay to Livingston.\*

PARIS, *November 17, 1782.*

DEAR SIR: Although it is uncertain when I shall have an opportunity either of finishing or transmitting the long, particular letter which I am now undertaking to write, I think the matter it will contain is too interesting to rest only in my memory, or in short notes, which nobody but myself can well unfold the meaning of. I shall, therefore, write on as my health will permit, and when finished shall convey this letter by the first prudent American that may go from hence to Nantes or L'Orient.

My reception here was as friendly as an American minister might expect from this polite and politic court; for I think they deceive themselves who suppose that these kind of attentions are equally paid to their private as to their public characters.

Soon after the enabling act was passed I was shown a copy of it, and

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\* MSS. Dep. of State; 4 Sparks' Dip. Rev. Corr., 463, with verbal changes; 2 Jay's Life, 456; 2 Corr. and Pub. Papers of John Jay, 366.

I confess it abated the expectations I had formed of the intention of the British ministry to treat in a manly manner with the United States, on the footing of an unconditional acknowledgment of their independence. The act appeared to me to be cautiously framed to elude such an acknowledgment, and, therefore, it would depend on future contingencies and on the terms and nature of the bargain they might be able to make with us.

Mr. Grenville, indeed, told the Count de Vergennes that his majesty would acknowledge our independence unconditionally; but on being desired to commit that information to writing, he wrote that his majesty was *disposed* to acknowledge it. This had the appearance of finesse.

About this time—that is, in June last—there came to Paris a Mr. Jones\* and a Mr. Paradise, both of them Englishmen, the former a learned and active constitutionalist. They were introduced to me by Dr. Franklin, from whom they solicited recommendations for America. The story they told him was that Mr. Paradise had an estate in the right of his wife in Virginia, and that his presence there had been rendered necessary to save it from the penalty of a law of that State respecting the property of absentees. Mr. Jones said he despaired of seeing constitutional liberty reëstablished in England; that he had determined to visit America, and in that happy and glorious country to seek and enjoy that freedom which was not to be found in Britain. He spoke in raptures of our patriotism, wisdom, &c., &c. On speaking to me some days afterwards of his intended voyage, he assigned an additional reason for undertaking it, viz, that his long and great friendship for Mr. Paradise had induced him to accompany that gentleman on an occasion which, both as a witness and a friend, he could render him most essential services in Virginia.

I exchanged three or four visits with these gentlemen, and, in the mean time, was informed that Mr. Jones was a rising character in England; that he had refused a very lucrative appointment in the Indies, and had by his talents excited the notice of men in power.

In conversing one morning with this gentleman on English affairs, he took occasion to mention the part he had taken in them, and, at parting, gave me two pamphlets he had published.

The first was a second edition of “An Inquiry into the Legal Mode of Suppressing Riots,” &c., first published in 1780, to which was added, “A Speech on the Nomination of Candidates to Represent the County of Middlesex, on the 9th of September, 1780.” And this second edition contained also a letter, dated the 25th of April, 1782, from Mr. Jones to Mr. Yeates, the secretary to the Society for Constitutional Information, of which Mr. Jones is a member. The other was a speech to the assembled inhabitants of Middlesex and Surry, &c., on the 28th of May, 1782.

As it appeared to me a little extraordinary that a gentleman of Mr.

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\*Afterwards Sir William Jones.

Jones' rising reputation and expectations should be so smitten with the charms of American liberty, as "to leave all, and follow her," I began, on returning to my lodgings, to read these pamphlets with a more than common degree of curiosity, and I was not a little surprised to find the following paragraphs in them:

In his letter to Mr. Yeates of last April, he says, "my future life shall certainly be devoted to the support of that excellent constitution which it is the object of your society to unfold and elucidate, and from this resolution long and deliberately made, no prospects, no connexions, no station here or abroad, no fear of danger, or hope of advantage to myself, shall ever deter or allure me."

He begins his essay on suppressing riots, by saying, "It has long been my opinion that in times of national adversity, those citizens are entitled to the highest praise, who, by personal exertions and active valor, promote, at their private hazard, the general welfare."

In his speech of last April are these paragraphs—in the first, speaking of his being sick, he says:

It would prevent my attendance, for in health or in sickness I am devoted to your service. I shall never forget the words of an old Roman, Ligarius, who, when the liberties of his country were in imminent danger, and when a real friend to those liberties was condoling with him on his illness at so critical a time, raised himself from his couch, seized the hand of his friend and said, if you have *any business worthy of yourselves I am well.*

Since I have risen to explain a sudden thought, I will avail myself of your favorable attention, and hazard a few words on the general question itself. Numbers have patience to hear, who have not time to read. And as to myself, a *very particular and urgent occasion, which calls me some months from England*, will deprive me of another opportunity to communicate my sentiments, until the momentous object before us shall be made certainly attainable through the concord, or forever lost and irrecoverable through the disagreement, of the nation.

To make comments on these extracts would be to waste time and paper. On reading them, I became persuaded that Mr. Paradise and American liberty were mere pretences to cover a more important errand to America, and I was surprised that Mr. Jones' vanity should so far get the better of his prudence as to put such pamphlets into my hands at such a time.

I pointed out these extracts to Dr. Franklin; but they did not strike him so forcibly as they had done me. I mentioned my apprehensions also to the Marquis de la Fayette, and I declined giving any letters either to Mr. Paradise or to Mr. Jones.

I am the more particular on this subject in order that you may the better understand the meaning of a paragraph in my letter to you of the 28th of June last, where I inform you "that, if one may judge from appearances, the ministry are very desirous of getting some of their emissaries into our country, either in an avowed or in a private character; and, all things considered, I should think it more safe not to admit any Englishman in either character within our lines at this very critical juncture."



Mr. Jones and Mr. Paradise went from hence to Nantes in order to embark there for America. Some weeks afterwards I met Mr. Paradise at Passy. He told me Mr. Jones and himself had parted at Nantes and the latter had returned directly to England. How this happened I never could learn. It was a subject on which Mr. Paradise was very reserved. Perhaps the sentiments of America, on General Carleton's overtures, had rendered Mr. Jones' voyage unnecessary; but in this way I may be mistaken for it is mere conjecture.

On the 25th of July, 1782, the King of Great Britain issued a warrant [In the original the warrant is here given in full] or order directed to his attorney, or solicitor-general.

A copy of this warrant was sent by express to Mr. Oswald, with an assurance that the commission should be completed and sent him in a few days. He communicated this paper to Dr. Franklin, who, after showing it to me, sent it to the Count de Vergennes. The Count wrote to the Doctor the following letter on the subject:

[Translation.]

I have received, sir, the letter of to-day with which you have honored me, and the copy of the powers, which Mr. Oswald communicated to you. The form in which it is conceived, not being that which is usual, I can not form my opinion on the first view of it. I am going to examine it with the greatest attention, and, if you will be pleased to come here on Saturday morning, I shall be able to confer about it with you and Mr. Jay, if it should be convenient for him to accompany you.

I have the honor to be, &c.,

DE VERGENNES.

VERSAILLES, August 8, 1782.

On the 10th of August we waited upon the Count de Vergennes, and a conference between him and us, on the subject of Mr. Oswald's commission, ensued.

The Count declared his opinion that we might proceed to treat with Mr. Oswald under it as soon as the original should arrive. He said it was such a one as we might have expected it would be, but that we must take care to insert proper articles in the treaty to secure our independence and our limits against all future claims.

I observed to the Count that it would be descending from the ground of independence to treat under the description of colonies. He replied that names signified little; that the King of Great Britain's styling himself the King of France was no obstacle to the King of France's treating with him; that an acknowledgment of our independence, instead of preceding, must in the natural course of things be the effect of the treaty, and that it would not be reasonable to expect the effect before the cause. He added that we must be mindful to exchange powers with Mr. Oswald, for that his acceptance of our powers, in which we were styled commissioners from the United States of America would be a tacit admittance of our independence. I made but little reply to all this singular reasoning. The Count turned to Dr. Franklin and

asked him what he thought of the matter. The Doctor said he believed the commission would do. He next asked my opinion. I told him that I did not like it, and that it was best to proceed cautiously.

On returning I could not forbear observing to Dr. Franklin that it was evident the Count did not wish to see our independence acknowledged by Britain until they had made all their uses of us. It was easy for them to foresee difficulties in bringing Spain into a peace on moderate terms, and that if we once found ourselves standing on our own legs, our independence acknowledged, and all our other terms ready to be granted, we might not think it our duty to continue in the war for the attainment of Spanish objects. But on the contrary, as we were bound by treaty to continue the war till our independence should be attained it was the interest of France to postpone that event until their own views and those of Spain could be gratified by a peace, and that I could not otherwise account for the minister's advising us to act in a manner inconsistent with our dignity, and for reasons which he himself had too much understanding not to see the fallacy of.

The Doctor imputed this conduct to the moderation of the minister, and to his desire of removing every obstacle to speedy negotiations for peace. He observed that this court had hitherto treated us very fairly and that suspicions to their disadvantage should not be readily entertained. He also mentioned our instructions as further reasons for our acquiescence in the advice and opinion of the minister. A day or two afterwards I paid a visit to Mr. Oswald, and had a long conversation with him respecting his commission. On the resignation of Mr. Fox, many reports to the prejudice of Lord Shelburne's sincerity on the subject of American independence had spread through France as well as through Great Britain. His lordship, fearful of their effect on the confidence with which he wished to inspire the American commissioners, conveyed by Mr. Benjamin Vaughan to Dr. Franklin an extract of certain instructions to Sir Guy Carleton, of which the following is a copy, viz :

JUNE 25, 1782.

It has been said "that great effects might be obtained by something being done *spontaneously* from England." Upon this and other considerations, his majesty has been induced to give a striking proof of his royal magnanimity and disinterested wish for the restoration of peace, by commanding his majesty's ministers to direct Mr. Grenville *that the independence of America should be proposed by him in the first instance instead of making it the condition of a general peace.*

I have given a confidential information to you of these particulars that you may take such measures as shall appear to you most advisable for making a direct communication of the substance of the same, either immediately to Congress, or through the medium of General Washington, or in any other manner which you may think most likely to impress the well-disposed parts of America with the fairness and liberality of his majesty's proceedings in such great and spontaneous concessions.

The advantages which we may expect from such concessions are, that America once apprized of the king's disposition to acknowledge the independence of the thirteen States, and of the disinclination in the French court to terminate the war, must see that it is from this moment to be carried on with a view of negotiating

points in which she can have no concern, whether they regard France, or Spain and Holland at the desire of France; but some of which, on the contrary, may be in future manifestly injurious to the interests of America herself.

That if the negociation is broken off it will undoubtedly be for the sake of those powers and not America, whose object is accomplished the instant she accepts of an independence which is not merely held out to her in the way of negociation by the executive power, but a distinct unconditional offer arising out of the resolutions of Parliament, and therefore warranted by the sense of the nation at large.

These facts being made notorious, it is scarce conceivable that America, composed as it is, will continue efforts under French direction, and protract the distresses and calamities which it is well known that war has subjected her to. It is to be presumed that from that moment she will look with jealousy on the French troops in that country, who may from allies become dangerous enemies.

If, however, any particular States, men, or description of men, should continue, against the general inclination of the continent, devoted to France, this communication will surely detect their views, expose their motives, and deprive them of their influence in all matters of general concern and exertion. You will, however, take particular care in your manner of conducting yourselves, not only that there should not be the smallest room for suspicions of our good faith and sincerity, but that we have no view in it of causing dissensions among the Colonies or even of separating America from France upon terms inconsistent with her own honor. You must, therefore convince them that the great object of this country is not merely peace, but reconciliation with America on the noblest terms and by the noblest means.

In the course of the before mentioned conversation with Mr. Oswald, I reminded him that the judgment and opinion of America respecting the disposition and views of Britain towards her, must be determined by facts and not by professions. That the enabling act and the commission granted to him in pursuance of it, by no means harmonized with the language of these instructions to Sir Guy Carleton. That unless the offers and promises contained in the latter were realized by an immediate declaration of our independence, America would naturally consider them as specious appearances of magnanimity calculated to deceive and disunite them, and instead of conciliating, would tend to irritate the States. I also urged in the strongest terms the great impropriety and consequently the utter impossibility of our ever treating with Great Britain on any other than an equal footing, and told him plainly that I would have no concern in any negociation in which we were not considered as an independent people.

Mr. Oswald upon this, as upon every other occasion, behaved in a candid and proper manner. He saw and confessed the propriety of these remarks; he wished his commission had been otherwise, but was at a loss how to reconcile it to the king's dignity, to make *such* a declaration immediately after having issued *such* a commission. I pointed out the manner in which I conceived it might be done; he liked the thought and desired me to reduce it to writing. I did so, and communicated it to Dr. Franklin, and as we corrected it, is as follows, viz:

George III, &c., to Richard Oswald, greeting. Whereas by a certain act, &c., (here follows the enabling act).

And whereas, in pursuance of the true intent and meaning of the said act, and to remove all doubts and jealousies, which might otherwise retard the execution of the

same, we did, on the — day of — instruct Sir Guy Carleton, &c., our general, &c., to make known to the people of the said Colonies in Congress assembled, our royal disposition and intention to recognise the said Colonies as independent States, and as such, to enter with them into such a treaty of peace as might be honorable and convenient to both countries.

And whereas, further, in pursuance of the said act, we did on the — day of — authorise and commission you, the said Richard Oswald (here follows the commission). Now, therefore, to the end that a period may be put to the calamities of war, and peace, commerce, and mutual intercourse the more speedily restored, we do hereby, in pursuance of our royal word, for ourselves and our successors, recognise the said thirteen Colonies as free and independent States. And it is our will and pleasure that you do forthwith proceed to treat with the commissioner or commissioners already appointed, or to be appointed for that purpose by the Congress of the said States, and with him or them only, of and concerning the objects of your said commission, which we do hereby confirm, and that this declaration be considered by you as a preliminary article to the proposed treaty, and be in substance or in the whole inserted therein or incorporated therewith. And it is our further will and pleasure that on receiving these presents which we have caused to be made patent, and our great seal to be hereunto affixed, you do deliver the same to the said commissioner or commissioners, to be by him or them transmitted to the Congress of the United States of America as an earnest of the friendship and good will which we are disposed to extend to them. Witness, &c., 15th of August, 1782.

Mr. Oswald approved of the draft and said he would recommend the measure to the minister. The next day, however, he told me that he had an instruction, which he thought enabled him to make the declaration, but that it would be necessary to obtain the previous consent of the minister for that purpose. He then read to me the fourth article of his instructions, of which the following is a copy, viz :

In case you find the American commissioners are not at liberty to treat on any terms short of independence, you are to declare to them that you have our authority to make that cession ; our ardent wish for peace disposing us to purchase it at the price of acceding to the complete independence of the thirteen Colonies.

He said he would immediately despatch a courier to London, and would press the ministry for permission to acknowledge our independence without further delay, which he accordingly did.

At this time, the commission, under the great seal, had arrived, and Dr. Franklin and myself went to Versailles to communicate that circumstance to the Count de Vergennes, and (agreeably to our instructions) to inform him of what had passed between Mr. Oswald and us.

The Count and myself again discussed the propriety of insisting that our independence should be acknowledged previous to a treaty. He repeated that it was expecting the effect before the cause, and many other similar remarks, which did not appear to me to be well founded. I told the Count that a declaration of our independence was, in my opinion, a matter of very little consequence ; that I did not consider our independence as requiring any aid or validity from British acts ; and provided that nation treated us as she treated other nations, viz., on a footing of equality, it was all that I desired. He differed with me also in this opinion. He thought an explicit acknowledgment of our inde-

pendence in treaty very necessary, in order to prevent our being exposed to further claims. I told him we should always have arms in our hands to answer those claims; that I considered mere paper fortifications as of but little consequence; and that we should take care to insert an article in the treaty whereby the King of Great Britain should renounce all claims of every kind to the countries within our limits.

The Count informed us he had delayed doing business with Mr. Fitzherbert until we should be ready to proceed with Mr. Oswald, and that he expected to see him the next day or the day after.

Mr. Fitzherbert went the next day to Versailles, and immediately despatched a courier to London.

The answer of the British ministry to Mr. Oswald is contained in the following extract of a letter to him from Mr. Townshend, dated Whitehall, September 1, 1782:

SIR: I have received and laid before the King your letters of the 17th, 18th, and 21st ultimo, and I am commanded to signify to you his majesty's approbation of your conduct in communicating to the American commissioners the fourth article of your instructions, which could not but convince them that the negotiation for peace and the cession of independence to the thirteen United Colonies were intended to be carried on and concluded with the commissioners in Europe.

Those gentlemen having expressed their satisfaction concerning that article, it is hoped they will not entertain a doubt of his majesty's determination to exercise in the fullest extent the powers with which the act of Parliament has invested him, by granting to America full, complete, and unconditional independence in the most explicit manner, as an article of treaty.

When Mr. Oswald communicated this letter to me I did not hesitate to tell him that his court was misled by this, for that the language of Mr. Townshend corresponded so exactly with that of the Count de Vergennes, and was at the same time so contrary to that of the instructions to Sir Guy Carlton, as to be inexplicable on any other principle. I also told him I suspected that the courier despatched by Mr. Fitzherbert on his return from Versailles had been the means of infusing these ideas. He smiled, and after a little pause said, why, Count de Vergennes told Mr. Fitzherbert that my commission was come, and that he thought it would do, and therefore they might now go on, and accordingly they did go on to discuss certain points, and particularly that of Newfoundland.

Mr. Oswald did not deny or contradict the inference I drew from this, viz., that Mr. Fitzherbert, struck by this conduct of Count de Vergennes, and finding that the commission given to Mr. Oswald was deemed sufficient by him, thought it his duty directly to inform his court of it, and thereby prevent their being embarrassed by our scruples and demands on a point on which there was so much reason to think that our allies were very moderate.

For my own part I was not only persuaded that this was the case, but also that the ill success of Mr. Oswald's application was owing to it.

These considerations induced me to explain to him what I supposed

to be the natural policy of this court on the subject, and to show him that it was the interest of Britain to render us as independent on France as we were resolved to be on her. He soon adopted the same opinion, but was at a loss to see in what manner Great Britain, considering what had just passed, could consistently take further steps at present. I told him that nothing was more easy, for that the issuing of another commission would do it. He asked me if he might write that to the ministry; I told him he might; he then desired, in order to avoid mistakes, that I would give it to him in writing, which I did as follows, viz:

A commission (in the usual form) to Richard Oswald to treat of peace or truce with commissioners, vested with equal powers by and on the part of the United States of America, would remove the objections to which his present one is liable, and render it proper for the American commissioners to proceed to treat with him on the subject of preliminaries.

I then reminded him of the several resolutions of Congress, passed at different periods, not to treat with British commissioners on any other footing than that of absolute independence, and also intimated that I thought it would be best to give him our final and decided determination not to treat otherwise in writing in the form of a letter. He preferred this to a verbal answer, and the next day I prepared the following draft of such a letter:

SIR: It is with regret that we find ourselves obliged, by our duty to our country, to object to entering with you into negotiations for peace on the plan proposed. One nation can treat with another nation only on terms of equality; and it can not be expected that we should be the first and only servants of Congress who would admit doubts of their independence.

The tenor of your commission affords matter for a variety of objections, which your good sense will save us the pain of enumerating. The journals of Congress present to you unequivocal and uniform evidence of the sentiments and resolutions of Congress on the subject, and their positive instructions to us to speak the same language.

The manner of removing these obstacles is obvious, and in our opinion no less consistent with the dignity than the interest of Great Britain. If the Parliament meant to enable the king to conclude a peace with us on terms of independence, they necessarily meant to enable him to do it in a manner compatible with his dignity; and consequently that he should previously regard us in a point of view that would render it proper for him to negotiate with us. What this point of view is you need not be informed.

We also take the liberty of submitting to your consideration how far his majesty's now declining to take this step would comport with the assurances lately given on that subject, and whether hesitation and delay would not tend to lessen the confidence which those assurances were calculated to inspire.

As to referring an acknowledgment of our independence to the first article of a treaty, permit us to remark that this implies that we are not to be considered in that light until after the conclusion of the treaty, and our acquiescing would be to admit the propriety of our being considered in another light during that interval. Had this circumstance been attended to, we presume that the court of Great Britain would not have pressed a measure which certainly is not delicate, and which can not be reconciled with the received ideas of national honor.

You may rest assured, sir, of our disposition to peace on reasonable terms, and of

our readiness to enter seriously into negotiations for it, as soon as we shall have an opportunity of doing it in the only manner in which it is possible for one nation to treat with another, viz., on an equal footing.

Had you been commissioned in the usual manner we might have proceeded; and as we can perceive no legal or other objection to this, or some other such like expedient, it is to be wished that his majesty will not permit an obstacle so very unimportant to Great Britain, but so essential and insuperable with respect to us, to delay the reestablishment of peace especially, and in case the business could be but once begun the confidence we have in your candor and integrity would probably render the settling all our articles only the work of a few hours.

We are, &c.

I submitted this draft to Dr. Franklin's consideration. He thought it rather too positive, and therefore rather imprudent, for that in case Britain should remain firm, and future circumstances should compel us to submit to their mode of treating, we should do it with an ill grace after such a decided and peremptory refusal. Besides, the Doctor seemed to be much perplexed and fettered by our instructions to be guided by the advice of this court. Neither of these considerations had weight with me; for as to the first, I could not conceive of any event which would render it proper, and therefore possible, for America to treat in any other character than that of an independent nation; and as to the second, I could not believe that Congress intended we should follow any advice which might be repugnant to their dignity and interest.

On returning to town Mr. Oswald spoke to me about this letter. I told him that I had prepared a draft of one, but that, on further consideration and consulting with Dr. Franklin, we thought it best not to take the liberty of troubling his court with any arguments or reasonings, which without our aid must be very evident to them.

He appeared disappointed, and desired me to let him see the draft. I did. He liked it; he requested a copy of it, but as I doubted the propriety of such a step, I told him I would consider of it, and give him an answer the next day.

It appeared to me on further reflection that no bad consequences would arise from giving him a copy of this paper; that though unsigned it would nevertheless convey to the ministry the sentiments and opinions I wished to impress, and that, if finally they should not be content to treat with us as independent, they were not yet ripe for peace or treaty with us; besides, I could not be persuaded that Great Britain, after what the House of Commons had declared, after what Mr. Grenville had said, and Sir Guy Carlton been instructed to do, would persist in refusing to admit our independence, provided they really believed that we had firmly resolved not to treat on more humble terms.

I gave him a copy, and also copies of the various resolutions of Congress which evince their adherence to their independence. These papers he sent by express to London, and warmly recommended the issuing a new commission to remove all further delay. This matter was not communicated to the Count de Vergennes, at least to my knowledge or belief, by either of us.



I might now enumerate the various expedients proposed by the Count de Vergennes and the Marquis de la Fayette to reconcile our difficulties, such as Mr. Oswald's writing a letter to us, signifying that he treated with us as independent, &c., &c.; but, as our independence was indivisible, there could not easily be contrived a half-way mode of acknowledging it, and therefore any method of doing it short of the true and proper one could not bear examination.

Being convinced that the objections to our following the advice of the Count de Vergennes were unanswerable, I proposed to Dr. Franklin that we should state them in a letter to him and request his answer in writing, because, as we were instructed to ask and to follow his advice on these occasions, we ought always to be able to show what his advice was.

The Doctor approved of the measure, and I undertook to prepare a draft of such a letter.

I must now remind you of what some of my former letters informed you, viz., the propositions made to me by the Count d'Aranda on the part of Spain. It is necessary that I should in this place go into that detail, because they will be found in the sequel to be strongly connected with the subject more immediately under consideration.

On my arrival at Paris, in June last, it being doubtful whether if I made a visit to Count d'Aranda he would return it, I thought it most advisable to avoid that risk and to write him the following letter:

TO COUNT D'ARANDA.

PARIS, *June 25, 1782.*

SIR: On leaving Madrid his excellency the Count de Florida Blanca informed me that the papers relative to the objects of my mission there had been transmitted to your excellency, with authority and instructions to treat with me on the subject of them.

I arrived here the day before yesterday, and have the honor to acquaint your excellency of my being ready to commence the necessary conferences at such time and place as your excellency may think proper to name.

Your excellency's character gives me reason to hope that the negotiation in question will be conducted in a manner agreeable to both our countries, and permit me to assure you that nothing on my part shall be wanting to manifest the respect and consideration with which I have the honor to be, &c.

JOHN JAY.

The following is a copy of the Count's answer:

[Translation.]

PARIS, *June 27, 1782.*

SIR: I have the honor to reply to your note of the 25th, informing me of your happy arrival at this court. I shall also have the honor to receive you when you shall intimate that it is proper and whenever you will inform me of your intention, so that I may expect you at whatever hour shall be most convenient to you.

I shall be pleased to make your acquaintance and to assure you of the respect with which I have the honor, &c.,

THE COUNT D'ARANDA.

It having been intimated to Dr. Franklin that if we paid a visit to Count d'Aranda it would be returned, we waited on him on the 29th of June. He received us in a friendly manner and expressed his wishes that closer connexion might be formed between our countries on terms agreeable to both.

He returned our visit the next day and gave us an invitation to dine with him a few days afterwards. On that day I was taken sick and continued so for many weeks, nor indeed am I yet perfectly recovered from the effects of that illness, having a constant pain in my breast and frequently a little fever.

Hence it happened that I did not meet Count d'Aranda on business till a month afterwards, when, agreeably to a previous appointment, I waited upon him.

He began the conference by various remarks on the general principles on which contracting nations should form treaties, on the magnanimity of his sovereign, and on his own disposition to disregard trifling considerations in great matters. Then opening Mitchell's large map of North America, he asked me what were our boundaries. I told him that the boundary between us and the Spanish dominions was a line drawn from the head of Mississippi down the middle thereof to the thirty-first degree of north latitude, and from thence by the line between Florida and Georgia.

He entered into a long discussion of our right to such an extent and insisted principally on two objections to it; 1st. That the western country had never belonged to or been claimed as belonging to the ancient colonies. That previous to the last war it had belonged to France, and after its cession to Britain remained a distinct part of her dominions, until, by the conquest of West Florida and certain posts on the Mississippi and Illinois, it became vested in Spain. 2dly. That supposing the Spanish right of conquest did not extend over *all* that country, still that it was possessed by free and independent nations of Indians, whose lands we could not with any propriety consider as belonging to us. He therefore proposed to run a longitudinal line on the east side of the river for our western boundary; and said that he did not mean to dispute about a few acres or miles, but wished to run it in a manner that would be convenient to us; for, though he could never admit the extent we claimed, yet he did not desire to crowd us up to our exact limits.

As it did not appear to me expedient to enter fully into the discussion of these objections, until after he had marked the line he proposed, I told him I would forbear troubling him with any remarks on the subject until the points in controversy should be reduced to a certainty; and, therefore, I desired him to mark on the map the line he proposed, and to place it as far to the west as his instructions would possibly admit of. He promised to do it, and to send me the map with his proposed line marked on it in a day or two.

I then gave him a copy of my commission, and showed him the original. He returned it to me with expressions of satisfaction, and then changed the subject by desiring me, if after receiving his map and examining his lines, I should find it in any respect inconvenient, that I would mark such other line on it as would, in my opinion, be more agreeable to America; assuring me that he had nothing more at heart than to fix such a boundary between us as might be satisfactory to both parties. I told him that on receiving his map, I would take all that he had said into consideration, and take the earliest opportunity of acquainting him with my sentiments respecting it. I then observed that I hoped his powers to treat were equal with mine. He replied that he had ample powers to confer, but not to sign anything without previously communicating it to his court and receiving their orders for the purpose; but to my surprise he did not offer to show me any powers of any kind \*

A few days afterwards he sent me the same map with his proposed line marked on it in red ink. He ran it from a lake near the confines of Georgia, but east of the Flint River, to the confluence of the Kanawa with the Ohio, thence round the western shores of Lakes Erie and Huron, and thence round Lake Michigan to Lake Superior.

On the 10th of August I carried this map to the Count de Vergennes and left it with him. Dr. Franklin joined with me in pointing out the extravagance of this line; and I must do him the justice to say, that in all his letters to me, and in all his conversations with me respecting our western extent, he has invariably declared it to be his opinion that we should insist upon the Mississippi as our western boundary, and that we ought not, by any means, to part with our right to the free navigation of it.

The Count de Vergennes was very cautious and reserved; but M. Rayneval, his principal secretary, who was present, thought we claimed more than we had a right to.

Having thus clearly discovered the views of Spain, and that they were utterly inadmissible, I had little hope of our ever agreeing; especially as the Mississippi was, and ought to be, our *ultimatum*.

It was not long before I had another interview with M. Rayneval. He asked me whether I had made any progress in my negotiations with the Count d'Aranda. I told him that the Count had not yet shown me any powers from his court to treat. He expressed surprise that I should have any difficulties on that head, especially considering the public as well as private character of that nobleman. I replied that I was very sensible of the respectability both of his public and private

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\* When the treaty was made with France, M. Gerard, who negotiated it on the part of the French court, did not show his commission to treat till the commissioners met him for the last time, and just before the signing of the treaty. Mr. Jay was more particular, however, on this point, and seemed disinclined to commence the negotiation in any form till the powers had been exchanged.—SPARKS.

character, but that neither the one nor the other authorised him to negotiate treaties with the United States of America; and consequently, that his court would be at liberty to disavow all his proceedings in such business. That it was my duty to adhere to the forms usual in such cases, and that those forms rendered it proper for ministers to exchange copies of their commissions before they proceeded on the business which was the object of them.

The Count d'Aranda was very urgent that I should mark on his map some line or other to the eastward of the Mississippi to which we could agree; and on the 26th of August we had another conference on these subjects. I told him frankly that we were bound by the Mississippi, and that I had no authority to cede any territories east of it to his Catholic majesty, and that all I could do relative to it was to transmit his proposition to Congress for their consideration.

He affected to be much surprised that I should have no discretionary authority on that subject, and observed that he had supposed I was a minister plenipotentiary. I told him that few ministers plenipotentiary had discretionary power to transfer and cede to others the countries of their sovereigns. He denied that the countries in question were our countries, and asked what right we had to territories which manifestly belong to free and independent nations of Indians. I answered that those were points to be discussed and settled between us and them; that we claimed the right of præemption with respect to them, and the sovereignty with respect to all other nations. I reminded him that Mexico and Peru had been in the same predicament, and yet that his Catholic majesty had had no doubts of his right to the sovereignty of those countries.

He then desired me to write him a letter on the subject, in order that he might with the greater accuracy convey my sentiments to his court.

On the 4th of September I received the following letter from M. de Rayneval:

[Translation.]

VERSAILLES, *September 4, 1782.*

SIR: I should be glad to have a conversation with you on the subject of the boundaries in regard to Spain, but it is impossible for me to go to Paris for this purpose. You would oblige me if you would have the goodness to come to Versailles to-morrow morning. It will give me great pleasure to see you at dinner. Meanwhile I have the honor, &c.,

RAYNEVAL.

I accordingly waited on M. de Rayneval. He entered into a long disquisition of our claims to the western country. It is unnecessary to repeat in this place what he said on those subjects, because I shall insert in this letter a copy of a paper which at my request he wrote to me on them. That paper will speak for itself. You will be at no loss to form a judgment of the mode in which he proposed to reconcile us, by what he called a conciliatory line. We discussed very freely the

propriety of my objecting to proceed with the Count d'Aranda; and among other reasons which induced him to think I ought to go on, was my having already conferred with him on those subjects. My answer to this was obvious, viz: that though I had heard Count d'Aranda's propositions, yet that I had offered none of any kind whatever.

On the 6th of September M. de Rayneval wrote me the following letter:

M. DE RAYNEVAL TO JOHN JAY.

[Translation.]

VERSAILLES, September 6, 1782.

I have the honor, sir, to send you, as you desired me, my personal ideas on the manner of terminating your discussions about limits with Spain. I hope they will appear to you worthy to be taken into consideration.

I have reflected, sir, on what you said to me yesterday of the Spanish ambassador's want of powers. You can not in my opinion urge that reason to dispense treating with that ambassador, without offending him, and without contradicting the first step you have taken towards him. This reflection leads me to advise you again to see the Count d'Aranda, and to make him a proposition of some sort or other on the object in question. That which results from my memoir appears to me the most proper to effect a reasonable conciliation; but it is for you to judge whether I am mistaken, because you alone have a knowledge of the title which the United States can have to extend their possessions at the expense of nations whom England herself has acknowledged to be independent.

As to the rest, sir, whatever use you may think proper to make of my memoir, I pray you to regard it at least as a proof of my zeal, and of my desire to be useful to the cause of your country.

I have the honor to be, with perfect consideration, yours, &c.,

RAYNEVAL.

P. S.—As I shall be absent for some days, I pray you to address your answer to M. Stenin, secretary to the council of state, at Versailles.

I must desire you not to let the perusal of the following memoir make you forget the postscript of the above letter, for in the sequel you will find it of some importance.

M. DE RAYNEVAL'S MEMOIR RESPECTING THE RIGHT OF THE UNITED STATES TO THE NAVIGATION OF THE MISSISSIPPI.

[Translation.]

The question between Spain and the United States of North America is, how to regulate their respective limits toward the Ohio and the Mississippi. The Americans pretend that their dominion extends as far as the Mississippi, and Spain maintains the contrary.

It is evident that the Americans can only borrow from England the right they pretend to have to extend as far as the Mississippi; therefore, to determine this right, it is proper to examine what the court of London has thought and done on this head.

It is known, that before the treaty of Paris, France possessed Louisiana and Canada, and that she considered the savage people, situated to the east of the Mississippi, either as independent or as under her protection.

This pretension caused no dispute; England never thought of making any, except as to the lands situated towards the source of the Ohio, in that part where she had given the name of Alleghany to that river.

A discussion about limits at that time took place between the courts of Versailles and London, but it would be superfluous to follow the particulars; it will suffice to observe that England proposed in 1755 the following boundary. It set out from the point where the River de Boeuf falls into the Ohio, at the place called Venango; it went up this river towards Lake Erie as far as twenty leagues, and setting off again from the same place, Venango, a right line was drawn as far as the last mountains of Virginia, which descend towards the ocean. As to the savage tribes situated between the aforesaid line and the Mississippi, the English minister considers them as independent; from whence it follows, that according to the very propositions of the court of London, almost the whole course of the Ohio belonged to France, and that the countries situated to the westward of the mountains were considered as having nothing in common with the colonies.

When peace was negotiated in 1761, France offered to make a cession of Canada to England. The regulation of the limits of this colony and Louisiana was in question. France pretended that almost the whole course of the Ohio made a part of Louisiana, and the court of London, to prove that this river belonged to Canada, produced several authentic papers; among others, the chart which M. Vandreuil delivered to the English commandant when he abandoned Canada. The minister of London maintained at the same time that a part of the savages situated to the eastward of the Mississippi were independent, another part under its protection, and that England had purchased a part from the five Iriquois nations. The misfortunes of France cut these discussions short; the treaty of Paris assigned the Mississippi for the boundary between the possessions of France and Great Britain.

Let us see the dispositions which the court of London has made in consequence of the treaty of Paris.

If they had considered the vast territories situated to the eastward of the Mississippi as forming part of their ancient colonies, they would have declared so, and have made their dispositions accordingly. So far from any such thing, the King of England, in a proclamation of the month of October, 1763, declares in a precise and positive manner that the lands in question are situated between the Mississippi and the ancient *English establishments*. It is, therefore, clearly evident that the court of London itself, when it was as yet sovereign of the thirteen colonies, did not consider the aforementioned lands as forming part of these same colonies; and it results from this in the most demonstrative manner, that they have not at this time any right over these lands. To maintain the contrary, every principle of the laws of nature and nations must be subverted.

The principles now established are as applicable to Spain as to the United States. This power can not extend its claims beyond the bounds of its conquests. She can not, therefore, pass beyond the Natchez, situated towards the thirty-first degree of latitude; her rights are, therefore, confined to this degree; what is beyond is either independent or belonging to England; neither Spain nor the Americans can have any pretensions thereto. The future treaty of peace can alone regulate the respective rights.

The consequence of all that has been said is, that neither Spain nor the United States has the least right of sovereignty over the savages in question, and that the transactions they may carry on as to this country would be to no purpose.

But the future may bring forth new circumstances, and this reflection leads one to suppose that it would be of use that the court of Madrid and the United States should make an eventual arrangement.

This arrangement may be made in the following manner. A right line should be drawn from the eastern angle of the Gulf of Mexico, which makes the section between the two Floridas, to Fort Toulouse, situated in the country of the Alabamas; from thence the river Loneshatchi should be ascended, from the mouth of which a right line should be drawn to the Fort or Factory Quenasse; from this last place the course of the river Euphasée is to be followed till it joins the Cherokee; the course of this

last river is to be pursued to the place where it receives the Pelisippi; this last to be followed to its source, from whence a right line is to be drawn to Cumberland River, whose course is to be followed until it falls into the Ohio. The savages to the westward of the line described should be free under the protection of Spain; those to the eastward should be free, and under the protection of the United States; or, rather, the Americans may make such arrangements with them as is most convenient to themselves. The trade should be free to both parties.

By looking over the chart we shall find that Spain would lose almost the whole course of the Ohio, and that the establishments which the Americans may have on this river would remain untouched, and that even a very extensive space remains to form new ones.

As to the course and navigation of the Mississippi, they follow with the property, and they will belong, therefore, to the nation to which the two banks belong. If, then, by the future treaty of peace, Spain preserves West Florida, she alone will be the proprietor of the course of the Mississippi from the thirty-first degree of latitude to the mouth of this river. Whatever may be the case with that part which is beyond this point to the north, the United States of America can have no pretensions to it, not being masters of either border of this river.

As to what respects the lands situated to the northward of the Ohio, there is reason to presume that Spain can form no pretensions thereto. Their fate must be regulated by the court of London.

I did not return M. Rayneval any answer to his letter, nor any remarks on his memoir, but the first time I saw him afterwards I told him I had received his letter and memoir he had done me the honor to write, and that I should send a copy of it to our Secretary for Foreign Affairs.

As both the letter and memoir were *ostensibly* written by him in a private character, it did not appear to me expedient or necessary to enter into any formal discussions with him on those subjects.

The perusal of this memoir convinced me—

1st. That this court would, at a peace, oppose our extension to the Mississippi.

2dly. That they would oppose our claim to the free navigation of that river.

3dly. That they would *probably* support the *British* claims to all the country above the thirty-first degree of latitude, and *certainly* to all the country north of the Ohio.

4thly. That in case we should not agree to divide with Spain in the manner proposed, that then this court would aid Spain in negotiating with Britain for the territory she wanted, and would agree that the residue should remain to Britain.

In my opinion, it was not to be believed that the first and confidential secretary of the Count de Vergennes would without his knowledge and consent declare such sentiments and offer such propositions, and that, too, in writing. I therefore considered M. Rayneval as speaking the sentiments of the minister, and I confess they alarmed me, especially as they seemed naturally to make a part of that system of policy which I believed induced him rather to postpone the acknowledgment of our independence by Britain to the conclusion of a general peace than aid us in *procuring it at present*.



You will now be pleased to recollect the postscript to M. Rayneval's letter.

On the 9th of September I received certain information that on the 7th M. Rayneval had left Versailles and was gone to England; that it was pretended he was gone into the country, and that several precautions had been taken to keep his real destination a secret.

A former page in this letter informs you that a little before this Mr. Oswald had despatched a courier with letters recommending it to his court to issue a new commission styling us *United States*, and that I had agreed to prepare a letter to the Count de Vergennes, stating our objections to treat with Mr. Oswald under his present one.

This, therefore, was a period of uncertainty and suspense, and whatever part Britain might take must necessarily be followed by very important consequences. No time was, therefore, to be lost in counteracting what I supposed to be the object of M. Rayneval's journey. But before I enter into that detail I must here insert a copy of the letter which I wrote to the Count d'Aranda, agreeably to his request herein-before mentioned.

TO THE COUNT D'ARANDA.

PARIS, *September 10, 1782.*

SIR: Agreeably to your excellency's request, I have now the honor of repeating in writing that I am not authorized by Congress to make any cession of any counties belonging to the United States, and that I can do nothing more respecting the line mentioned by your excellency than to wait for and to follow such instructions as Congress, on receiving that information, may think proper to give me on that subject.

Permit me, nevertheless, to remind your excellency that I have full power to confer, treat, agree, and conclude with the ambassador or plenipotentiary of his Catholic majesty, *vested with equal powers*, of and concerning a treaty of amity and commerce and of alliance, on principles of equality, reciprocity, and mutual advantage.

I can only regret that my overtures to his excellency the Count de Florida Blanca, who was *ex officio* authorised to confer with me on such subjects, have been fruitless.

It would give me pleasure to see this business begun, and I can not omit this opportunity of assuring your excellency of my wish and desire to enter upon it as soon as your excellency shall be pleased to inform me that you are authorized, and find it convenient to proceed.

I have the honor to be, &c.,

JOHN JAY.

To this letter the Count returned the following answer:

COUNT D'ARANDA TO JOHN JAY.

[Translation.]

SIR: I have the honor to reply to your note of yesterday that I am furnished with ample instructions from my court, and am authorised by it to confer and treat with you on all points on which you may be instructed and authorised to treat by your constituents.

As soon as you communicate your propositions they will be examined, and I will submit to you my observations on them, in order that we may be able to agree on both sides.

I have the honor to be, &c.,

THE COUNT D'ARANDA.

On the same day, viz., the 10th of September, a copy of a translation of a letter from M. Marbois to the Count de Vergennes, against our sharing in the fishery, was put into my hands. Copies of it were transmitted to you, enclosed with my letter of the 18th of September, of which a duplicate was also forwarded.

I also learned from good authority that on the morning of M. Rayneval's departure the Count d'Aranda had, contrary to his usual practice, gone with *post horses* to Versailles, and was two or three hours in conference with the Count de Vergennes and M. Rayneval before the latter set out.

All these facts taken together led me to conjecture that M. Rayneval was sent to England for the following purposes:

1st. To let Lord Shelburne know that the demands of America to be treated by Britain as independent previous to a treaty were not approved or countenanced by this court, and that the offer of Britain to make that acknowledgment in an article of the proposed treaty was in the Count's opinion sufficient.

2dly. To sound Lord Shelburne on the subject of the fishery, and to discover whether Britain would agree to divide it with France to the exclusion of all others.

3dly. To impress Lord Shelburne with the determination of Spain to possess the exclusive navigation of the Gulf of Mexico, and of their desire to keep us from the Mississippi; and also to hint the propriety of such a line as on the one hand would satisfy Spain and on the other leave to Britain all the country north of the Ohio.

4thly. To make such other verbal overtures to Lord Shelburne as it might not be advisable to reduce to writing, and to judge, from the general tenor of his lordship's answers and conversation whether it was probable that a general peace, on terms agreeable to France, could be effected in order that, if that was not the case, an immediate stop might be put to the negociation.

Having, after much consideration, become persuaded that these were M. Rayneval's objects, I mentioned his journey to Mr. Oswald, and after stating to him the first three of these objects, I said everything respecting them that appeared to me necessary, but at the same time with a greater degree of caution than I could have wished, because I well knew it would become the subject of a long letter to the ministry. On reflecting, however, how necessary it was that Lord Shelburne should know our sentiments and resolutions respecting these matters, and how much better they could be conveyed in conversation than by letter, and knowing also that Mr. Vaughan was in confidential correspondence with him, and he was and always had been strongly attached to the American cause, I concluded it would be prudent to prevail upon him to go immediately to England.

I accordingly had an interview with Mr. Vaughan, and he immediately despatched a few lines to Lord Shelburne, desiring that he

would delay taking any measures with M. Rayneval until he should either see or hear further from him.

Mr. Vaughan agreed to go to England, and we had much previous conversation on the points in question, the substance of which was :

That Britain, by a peace with us, certainly expected other advantages than a mere suspension of hostilities, and that she doubtless looked forward to cordiality, confidence, and commerce.

That the manner as well as the matter of the proposed treaty was therefore of importance, and that if the late assurances respecting our independence were not realized by an unconditional acknowledgment, neither confidence nor peace could reasonably be expected ; that this measure was considered by America as the touchstone of British sincerity, and that nothing could abate the suspicions and doubts of her good faith which prevailed there.

That the interest of Great Britain, as well as that of the minister, would be advanced by it ; for as every idea of conquest had become absurd, nothing remained for Britain to do but to make friends of those whom she could not subdue ; that the way to do this was by leaving us nothing to complain of, either in the negociation or in the treaty of peace, and by liberally yielding every point essential to the interest and happiness of America ; the first of which points was that of treating with us on an equal footing.

That if the minister really meant to make peace with us it was his interest to make us believe so, and thereby inspire us with a certain degree of confidence which could not otherwise be obtained ; that his enemies charged him with insincerity on this very point, and that it must be useful to him to convince all the world that such a charge was groundless.

That it would be vain to amuse themselves with expectations from the affected moderation of France on this head ; for that America never would treat on any but an equal footing, and therefore, although such expectations might cause delay, they would ultimately be fruitless.

That a little reflection must convince him that it was the interest, and consequently the policy of France to postpone, if possible, the acknowledgment of our independence to the very conclusion of a general peace, and, by keeping it suspended until after the war, *oblige us, by the terms of our treaty, and by regard to our safety, to continue in it to the end.*

That it hence appeared to be the obvious interest of Britain immediately to cut the cords which tied us to France, for that, though we were determined faithfully to fulfil our treaty and engagements with this court, *yet it was a different thing to be guided by their or our construction of it.*

That among other things we were bound not to make a separate peace or truce, and that the assurance of our independence was avowed to be the object of our treaty. While, therefore, Great Britain refused

to yield this object we were bound, as well as resolved, to go on with the war, although perhaps the greatest obstacles to a peace arose neither from the demands of France nor America. Whereas, that object being conceded, we should be at liberty to make peace the moment that Great Britain should be ready to accede to the terms of France and America, without our being restrained by the demands of Spain, with whose views we had no concerns.

That it would not be wise in Great Britain to think of dividing the fishery with France and excluding us; because we could not make peace at such an expense, and because such an attempt would irritate America still more; would perpetuate her resentments, and induce her to use every possible means of retaliation by withholding supplies in future to the fishery, and by imposing the most rigid restraints on a commerce with Britain.

That it would not be less impolitic to oppose us on the point of boundary and the navigation of the Mississippi—

1st. Because our right to extend to the Mississippi was proved by our charters and other acts of government and our right to its navigation was deducible from the laws of nature and the consequences of revolution, which vested in us every British territorial right. It was easy, therefore, to foresee what opinions and sensations the mere attempt to dispossess us of these rights would diffuse throughout America.

2dly. Because the profits of an extensive and lucrative commerce, and not the possession of vast tracts of wilderness, were the true objects of a commercial European nation.

That by our extending to the Mississippi to the west, and to the proclamation bounds of Canada to the north, and by consenting to the mutual free navigation of our several lakes and rivers, there would be an inland navigation from the Gulf of St. Lawrence to that of Mexico by means of which the inhabitants west and north of the mountains might with more ease be supplied with foreign commodities than from ports on the Atlantic, and that this immense and growing trade would be in a manner monopolized by Great Britain, as we should not insist that she should admit other nations to navigate the waters that belonged to her. That, therefore, the navigation of the Mississippi would in future be no less important to her than to us, it being the only convenient outlet through which they could transport the productions of the western country, which they would receive in payment for merchandize vended there.

That as to retaining any part of that country, or insisting to extend Canada so as to comprehend the lands in question, it would be impolitic for these further reasons. Because it would not be in their power either to settle or govern that country; that we should refuse to yield them any aid, and that the utmost exertions of Congress could not prevent our people from taking gradual possession of it by making establishments in different parts of it. That it certainly could not be wise

in Britain, whatever it might be in other nations, thus to sow the seeds of future war in the very treaty of peace, or to lay in it the foundation of such distrusts and jealousies as on the one hand would forever prevent confidence and real friendship, and on the other naturally lead us to strengthen our security by intimate and permanent alliances with other nations.

I desired Mr. Vaughan to communicate these remarks to Lord Shelburne, and to impress him with the necessity and policy of taking a decided and manly part respecting America.

Mr. Vaughan set off the evening of the 11th of September. It would have relieved me from much anxiety and uneasiness to have concerted all these steps with Dr. Franklin, but on conversing with him about M. Rayneval's journey, he did not concur with me in sentiment respecting the objects of it, but appeared to have a great degree of confidence in this court, and to be much embarrassed and constrained by our instructions.

Nothing now remained to be done but to complete the letter we had agreed to write to the Count de Vergennes, stating our objections to treat with Mr. Oswald under his present commission. I accordingly prepared the following draft of such a letter, and it was under Dr. Franklin's consideration when the news of our success in England rendered it unnecessary :

PROPOSED DRAFT OF A LETTER TO COUNT DE VERGENNES.

SIR: The question whether we ought to exchange copies of our respective commissions with Mr. Oswald and proceed to business with him under his is not only important and consequential in itself, but derives an additional degree of weight from the variance subsisting between your excellency's sentiments and our own on that subject.

The respect due to your excellency's judgment, our confidence in the friendship of our good and great ally, and the tenor of our instructions from Congress all conspire to urge us to lay before your excellency a full state of the facts and circumstances which create our objections to treating with Mr. Oswald under the commission in question.

We flatter ourselves that in the course of this discussion some light will be cast upon the subject, and it gives us pleasure to reflect that our objections will be reviewed by a minister possessed of candor to acknowledge their force on the one hand and talents to detect and discover to us their fallacy on the other.

It appears to us unnecessary to premise that on the 4th day of July, 1776, the representatives of the then late thirteen United Colonies in Congress assembled did, in the name and by the authority of the good people of those Colonies, and for the reasons in that act specified, "solemnly publish and declare that the said United Colonies were, and of right ought to be *free and independent States*, that they were absolved from all allegiance to the British crown, and that all political connexion between them and the state of Great Britain was, and ought to be totally dissolved; and that as *free and independent States* they had full power to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things which independent nations might of right do. And for the support of that declaration with a firm reliance on the protection of Divine Providence, they did mutually pledge to each other their lives, their fortunes, and their *sacred honor*."

This declaration was immediately ratified by legislative acts of the different States, all of whom have ever since so uniformly abided by it that the authority of the King of Great Britain has never from that day to this extended over more ground in that country than was from time to time under the feet of his armies.

The United States also bound themselves to each other by a solemn act of confederation and perpetual union, wherein they declare "that the style of the Confederacy should be *the United States of America*," and by it they vested in *Congress* the sole and exclusive right and power of determining peace and war, of sending and receiving ambassadors and entering into *treaties* and alliances.

Thus becoming of right and being in fact free, sovereign, and independent States, their Representatives in Congress did, on the 15th day of June, 1781, grant a commission to certain gentlemen (of whom we are two), in *their name* to confer, treat, and conclude with the ambassadors, commissioners, &c., *vested with equal powers* relating to the re-establishment of peace, &c.

On the 25th of July, 1782, his Britannic majesty issued a commission under the great seal of his kingdom to Richard Oswald, reciting in the words following, "that whereas, by an act passed in the last session of Parliament entitled, 'An act to enable his majesty to conclude a peace or truce with certain colonies in North America,' therein mentioned, it recited that it is essential to the *interest, welfare, and prosperity* of Great Britain and the *colonies or plantations* of New Hampshire, Massachusetts Bay, &c. (naming the thirteen), that peace, intercourse, trade, and commerce should be restored between them, therefore, and for a full manifestation of our earnest wish and desire, and of that of *our Parliament*, to put an end to the calamities of war it is enacted that it should and might be lawful for us to treat, consult of, agree, and conclude with any commissioner or commissioners, named or to be named *by the said colonies or plantations*, or with any body or bodies, corporate or politic, or any assembly or assemblies, *or description of men or any person whatsoever*, a peace or truce with the said colonies or plantations, *or any of them*, or any part or parts thereof, any law, act or acts of Parliament, matter or thing to the contrary in anywise notwithstanding." The commission then proceeds to appoint and authorize Mr. Oswald to treat, &c., in the very words of the act.

We do not find ourselves described in this commission as the persons with whom Mr. Oswald is authorized to treat.

Nations, particularly corporations, mercantile companies, and indeed every private citizen in every country have their titles, their styles, their firms, and their additions which are necessary to their being known in the law; that is to say the law of nations requires that national acts shall give to every sovereign and nation its proper political name or style in the same manner as the municipal law of the land will only take notice of corporations, companies, and even private citizens by their proper names and legal descriptions.

When the United States became one of the nations of the earth, they published the style or name by which they were to be known and called, and as on the one hand they become subject to the law of nations, so on the other they have a right to claim and enjoy its protection and all the privileges it affords.

Mr. Oswald's commission is a formal, national act, and no nation not mentioned or properly described in it can consider him properly authorised to treat with them. Neither the United States of America nor commissioners appointed by *them* are mentioned in it, and therefore we, *as their servants*, can have no right to treat with him.

We are apprized the word *colonies* or *plantations* of New Hampshire, &c., in *North America* convey to the reader a geographical idea of the country intended by the commission and of the manner of its first settlement, but it conveys no political idea of it, except perhaps a very false one, viz., as dependent on the British crown; for it is to be observed that the words *colonies* or *plantations* have constantly been used in British acts of Parliament to describe those countries while they remained subject to that crown; and the act holds up that idea in a strong point of light when it declares "that it is essential to the *interest, welfare, and prosperity* of the *colonies or plantations* of

New Hampshire, &c., that peace, &c., should be restored," &c. For as independent States our interests, welfare, and prosperity were *improper objects for the parliamentary discussion and provision of Great Britain.*

The United States can not be known, at least to their commissioners, by any other than *their present proper, political name*; for, in determining whether Mr. Oswald's commission be such as that we ought to treat with him under it, we must read it with the eyes, and decide upon it with the judgment of *American ministers*, and not of private individuals.

But admitting that the studied ambiguity of this commission leaves every reader at liberty to suppose that we are or are not comprehended in it—nay, supposing it to be the better construction that we are—still, in our opinion, it would ill become the dignity of Congress to treat with Mr. Oswald under it.

It is evident that the design of the commission was, if possible, to describe the United States, the Congress, and their commissioners, by such circumlocutory, equivocal, and undeterminate words and appellations as should with equal propriety apply to the thirteen States considered as British colonies and territories, or as independent States, to the end that Great Britain might remain in a capacity to say that they either had the one or the other meaning, as circumstances and convenience might in future dictate.

As Congress have no doubts of their own independence, they can not with propriety sanctify the doubts of others, and, therefore, can not admit the sufficiency or decency of any commission that contains them.

It being well known that the United States have vested in Congress the exclusive right to make peace, this commission, by authorizing Mr. Oswald to treat with them *separately*, and even with parts of them, and with any person or persons whatsoever, offers such open and direct violence to the honor and prerogatives of Congress as to be better calculated to excite their resentment than their acquiescence. Nor can we conceive it very decent in Great Britain to expect that Congress, after having so long firmly and uniformly maintained the rights of independence, should now consent to deviate from that character by negotiating with her for peace in any other capacity than the one in which they have carried on the war with her.

It seems agreed on all hands that the commission does not acknowledge us to be independent; and though the King of Great Britain consents to make it the *first article* of the proposed treaty, yet, as neither the first nor the last article of the treaty can be of validity till the conclusion of it, can it be reasonably expected that we should consent to be viewed during all that interval as British subjects, there being no middle capacity or character between subjection and independence? Neither Congress nor their servants, if so inclined, have a right to suspend the independence of the United States for a single moment, nor can the States themselves adopt such a measure while they remember the solemn manner in which they pledged to each other their lives, their fortunes, and their *sacred honor*, to support their independence.

It gives us pleasure to find that these inferences and conclusions from the general nature and rights of independence, stand confirmed by the express acts and declarations of Congress on the subject, and in whatever view these acts may be regarded by others, they must be considered as authoritative by their servants.

So early as the 17th of July, 1776, Congress resolved, "that General Washington, in refusing to receive a letter said to be sent by Lord Howe, addressed to 'George Washington, Esq.,' acted with a dignity becoming his station, and therefore, that this Congress do highly approve the same, and *do direct* that no letter or message be received on any occasion whatever from the enemy by the commander-in-chief or others the commanders of the American army, but such as shall be directed to them in the characters they respectively sustain."

We conceive that the reason of this resolution extends with at least equal force to *civil* officers, and particularly to commissioners appointed to treat of peace with Great Britain.

On the 5th of September, 1776, Congress resolved, "That General Sullivan be requested to inform Lord Howe, that this Congress, *being the representatives of the free and independent States of America*, can not with propriety send any of its members to confer with his lordship in their *private* characters, but that ever desirous of establishing peace on reasonable terms, they will send a committee of their body to know whether he has any authority to treat with persons *authorised by them* for that purpose in behalf of *America*, and what that authority is, and to hear such propositions as he shall think fit to make respecting the same; that the President write to General Washington and acquaint him that it is the opinion of Congress no proposals for making peace between Great Britain and the United States of America *ought to be received or attended to*, unless the same be made in writing, and addressed to the representatives of the said States in Congress, or *persons authorised by them*, and if application be made to him by any of the commanders of the British forces on that subject, that he inform them that these United States, who entered into the war only for the defence of their lives and liberties, will cheerfully agree to peace on reasonable terms, *whenever such* shall be proposed to them in MANNER AFORESAID."

These resolutions were passed at a time when the United States had formed no alliances, and when a formidable and hostile army had just arrived to invade their country. If such, therefore, were their sentiments and such their resolutions at so early, so dangerous, and doubtful a period, there certainly is reason to presume that the fortitude which influenced them has not been abated by the present aspect of their affairs.

On the 22d of November, 1777, Congress resolved "that all proposals of a treaty between the King of Great Britain or any of his commissioners and the United States, *inconsistent with the independence* of the said States or with such treaties or alliances as may be formed under their authority, *will be rejected by Congress*."

We can not consider the present proposals to treat with us in a character *below independence to be consistent with it*.

Among other objections *unanimously* made by Congress on the 22d of April, 1778, to certain bills of the British Parliament, then about to be passed into laws to enable the King of Great Britain to appoint commissioners to treat, &c., is the following, viz:

"Because the said bill purports that the commissioners therein mentioned may treat with *private individuals*, a measure highly derogatory to *national honor*."

Mr. Oswald's commission contains a similar clause and, consequently, is liable to the same objection.

The Congress did also on the same day *unanimously* declare, "That these United States can not with propriety hold any conference or treaty *with any commissioners* on the part of Great Britain unless they shall, *as a preliminary thereto*, either withdraw their fleets and armies or else in *positive and express terms acknowledge the independence of the said States*." Neither of these alternatives have as yet been complied with.

On the 6th of June, 1778, the Congress ordered their president to give an answer in the following words to the commissioners appointed under the British acts of Parliament before mentioned, viz:

"MY LORD: I have had the honor to lay your lordship's letter of May the 27th, with the acts of the British Parliament enclosed, before Congress, and I am instructed to acquaint your lordship that they have already expressed their sentiments upon bills not essentially different from those acts in a publication of the 22d of April last.

"Your lordship may be assured that when the King of Great Britain shall be seriously disposed to put an end to the unprovoked and cruel war waged against these United States Congress will readily attend to such terms of peace as may consist with the *honor of independent nations*, the interest of their constituents, and the sacred regard they mean to pay to treaties."

The honor of an *independent nation* forbids their treating in a *subordinate* capacity.



On the 17th of June, 1778, Congress, in another letter to the same commissioners, *unanimously* join in saying :

"Nothing but an earnest desire to spare the further effusion of human blood could have induced them to read a paper containing expressions so disrespectful to his most Christian majesty, the good and great ally of these States, or to *consider* propositions so derogatory to the honor of an independent nation.

"The acts of the British Parliament, the commission from your sovereign, and your letter suppose the people of these States to be subjects of the crown of Great Britain, and are founded on an *idea of dependence*, which is utterly *inadmissible*.

"I am further directed to inform your excellencies that Congress are inclined to peace, notwithstanding the unjust claims from which this war originated and the savage manner in which it has been conducted. They will therefore be ready to enter upon the *consideration* of a treaty of peace and commerce, not inconsistent with treaties already subsisting, *when* the King of Great Britain shall demonstrate a sincere disposition for that purpose. The only solid proof of this disposition will be an explicit acknowledgment of the independence of these States or the withdrawing his fleets and armies."

On the 11th of July, 1778, the British commissioners again endeavored to prevail upon Congress to treat with them on the humiliating idea of dependence. And on the 18th of the same month Congress came to the following resolution, viz :

"Whereas Congress, in a letter to the British commissioners of the 17th of June last, did declare that they would be ready to *enter into the consideration* of a treaty of peace and commerce not inconsistent with treaties already subsisting *when* the King of Great Britain should demonstrate a sincere disposition for that purpose, and that the only solid proof of this disposition would be an *explicit acknowledgment of the independence* of these States or the withdrawing his fleets and armies; and whereas neither of these alternatives have been complied with : Therefore resolved, that no answer be given to the letter of the 11th instant from the British commissioners."

We find Congress still adhering to the same resolutions and principles, and in pursuance of them, lately directing General Washington to refuse Sir Guy Carleton's request of a passport for one of his family to carry despatches from him to Congress. The late resolutions of the different States on that occasion show how exactly the sense of the people at large corresponds with that of their representatives in Congress on these important points.

To our knowledge, there is not a single instance in which Congress have derogated from the practice and conduct of an independent nation. All their commissions, as well *civil* as *military*, are and always have been in that style. They have treated with France and the States-General of the United Provinces, and those powers have treated with them on an equal footing. What right, therefore, can Britain have to demand that we should treat in a different manner with her? Or with what propriety can we pay marks of respect and reverence to our enemies which we never have paid to our friends—friends, too, who are at least equal to her in power and consideration; nor can we forbear observing that the second article of our treaty of alliance with his most Christian majesty declares, "That the essential and direct end of the present defensive alliance is to maintain effectually the *liberty, sovereignty, and independence, absolute and unlimited*, of the said United States, as well in matters of *government* as of commerce."

Hence it appears that not only the regard due to our own dignity, but also to the dignity of our great ally, and the faith of treaties, forbid our receding in the least from the rights of *that sovereignty and independence*, the support of which forms the *direct end* of our alliance.

But although the United States as an independent nation can regard Great Britain in no other light than they would any other kingdom or state with whom they may be at war, yet we can easily perceive that Great Britain has stronger objections than other nations can have to treating with us as *independent*. But these objections, however strong, are more proper subjects for their deliberations whom they affect than

for ours, whom they do not respect. Britain may amuse herself with, and therefore be embarrassed by, doubts of our title to independence, but we have no such doubts, and therefore cannot be perplexed or influenced by them.

Other nations owe their origin to causes similar to those which gave birth to ours, and it may not be useless to inquire how they conducted themselves under similar circumstances.

The tyranny of Philip II of Spain made his subjects in the Low Countries declare themselves independent: a long and cruel war ensued, which was suspended by a truce for twelve years, and afterwards concluded by a definitive treaty of peace.

History bears honorable testimony to the wisdom and fortitude of that nation during that interval, and we think the following detail is so interesting, and so applicable to the case of our country in general, and particularly to the point in question, that we cannot forbear requesting your excellency to peruse it.

On the 26th of July, 1581, the United Provinces, by a formal act, declared that Philip II had forfeited his right to the sovereignty of those provinces, and that consequently they were independent.

On the last of June, 1584, the King of France sent an ambassador (le Sieur Pruneau) to Holland, and he in writing represented to the States assembled at Delft that his majesty had understood that they desired to treat with him, and that he had thought proper to inform them that they should let him know on what terms they proposed to do it, with many reasons to induce the Provinces to come into such treaty.

Queen Elizabeth did nearly the same thing by her letter of the last of October, 1584, which she sent to her ambassador, *Davidson*.

The deputies of the States soon after, by their order, returned thanks to the Queen, and informed her that they had resolved to accept the King of France for prince of the country in the same manner as Charles V had been, but on condition to retain their rights and privileges.

On the 3d of January, 1585, the States despatched deputies to make this offer to the King of France. Spain remonstrated against their being *admitted to an audience*, calling them rebels, &c.

To this remonstrance the King of France gave an answer which does the highest honor to his magnanimity.

On the 13th of February, 1585, the deputies had an audience of the King, and afterwards of the Queen Mother.

On the 8th of March, 1585, the King gave for answer to the deputies that he could not at present accept of their offer, nor assist them; complained greatly of the violence done him by the Spaniards and Guises, and desired them to provide for their own defense, until such time as he should be in quiet with his own subjects, and promised to recommend them to the Queen of England.

On the 6th of June, 1585, the States-General resolved to transfer the sovereignty to the Queen of England, on lawful and reasonable conditions, or to treat with her to take them under her protection, or to obtain more aid and assistance from her.

On the 9th of July, 1585, they had an audience of the Queen at Greenwich, and offered to her the sovereignty, &c.

The Queen declined to accept the sovereignty or undertake the perpetual protection of the United Provinces, but on the 10th of August, 1585, she entered into a formal treaty with them to afford aid, &c.

On the 16th of October, 1587, the States made a declaration to their governor Leicester, on the subject of some differences between them, in which they say: "And as by divers acts, and particularly by a certain letter which he wrote on the 10th of July to his secretary, Junius (as is said), the authority of these States is drawn into doubt, they think it proper to make a more ample declaration, containing a deduction of the rights of the States, which they are bound by oath to maintain. *For in case they had not been well founded in the sovereignty of the Provinces, they could not have deposed the King of Spain, nor have defended themselves against his power. Nor would they*

have been able to treat with their majesties of France and England, nor to have transferred the government to your excellency," &c.

On the 3d of September, 1587, the Earl of Leicester, by order of the Queen, intimated to them the propriety of negotiating for peace, for it seems the King of Denmark had privately sounded the King of Spain on that subject.

The States answered: "That they had never given any such commission to the King of Denmark, or ever thought of it; but, on the contrary, they had observed to the Earl of Leicester, in the year 1586, on his leaving Holland, and on his speaking to them about making peace, that there was *nothing so dangerous and injurious in their condition as to speak or treat of peace*, and that it was one of the *old finesses of Spain*; that neither a long war, the damages suffered, nor force, nor the unexpected deaths of their chiefs, had been able to hinder their doing their duty, nor make them recede one step from that foundation of constancy on which they were fixed; but that, seeing the honorable weapons which were left them, viz., firmness and resolution, they were sufficiently powerful to surmount their difficulties in the same manner as the virtue of the Romans had made them triumph over Carthage." They also reminded the Earl that by pretext of treating of peace on a former occasion they had lost Artois, Hainault, and other countries; that the treaties at Ghent and Bruges, which were prior to their independence, had cost the lives of more than a hundred thousand persons; that negligence and false security were always the consequences of such negotiations.

On the 30th of October, 1588, the Queen again proposed their entering into negotiations for peace, and they again refused.

In 1590 and 1591 the Emperor endeavored to persuade the United Provinces to enter into negotiations by the mediation of his good offices for a *reconciliation* with the King of Spain. And on the 7th of April, 1592, they gave a formal answer to the Emperor, containing their reasons for declining his proposal. On this occasion they struck a medal representing a Spaniard offering peace to a Zelander, who points to a snake in the grass, with these words, "*Latet anguis in herbâ.*"

On the 6th of May, 1594, the Archduke of Austria sent a letter to the States on the same subject, and received the like answer, accompanied with a full state of their reasons for it.

In the same year the United Provinces sent ambassadors to Denmark and received others from King James of Scotland, who desired them to send some persons on their behalf to assist at the baptism of his son, and to renew ancient treaties, &c.

On the 31st of October, 1596, the King of France entered into a treaty of alliance with the United Provinces against Spain.

On the 9th of August, 1597, the Emperor, by his ambassador, then at The Hague, proposed to the States to treat of peace. They refused, *alleging that they had been lawfully separated from the dominion of the King of Spain, and had formed alliances with England, France, &c.*

On the 15th of October, 1597, ambassadors from the King of Denmark arrived at The Hague, among other things to dispose the States to peace. On the 24th of October the States gave them a long answer, recapitulating their reasons for refusing to negotiate.

On the 2d of November, 1597, the King of France, having been offered advantageous terms of peace by Spain, hinted his pacific inclinations to the States. They earnestly dissuaded him from making either *peace* or *truce*. The King, nevertheless, began to treat under the mediation of the Pope, &c.

The States sent ambassadors to France, with instructions, dated 13th of January, 1598, to dissuade the King from peace, and to take measures with France against Spain for the ensuing campaign.

On the 2d of May, 1598, peace was concluded between France and Spain at Vervins.

In treating of the articles of this peace, the deputies of France declared that they could not proceed to conclude it unless the Queen of England and the United Provinces, who were allied with his Christian majesty, were received and admitted

to the treaty. To which the deputies of the King of Spain answered, that from the commencement of the conferences they had declared that *they were ready and content to receive and treat with the deputies of the said Queen and Provinces, and that they had resided long enough in that place to give them time to come there if they had been so pleased*; and it was concluded and agreed that if in six months the deputies of the said Queen and United Provinces should come with sufficient powers and declare themselves willing to treat of peace they should there be received, and for that purpose the deputies of the King of Spain should be at Vervins, or such other place as by common consent of parties should be agreed upon; and at the instance of the deputies of his Christian majesty it was further agreed that there should be a cessation of arms and hostilities between his Catholic majesty, the Queen of England, and the United Provinces for two months, to be computed from the day on which the said Queen and Provinces should inform the Archduke of Austria that they accepted the said cessation, &c.

On the 6th of May, 1598, the King of Spain conveyed the Low Countries and Burgundy to his daughter, Isabella Clara Eugenia, on certain conditions, the first of which was to marry Albert, the Archduke of Austria.

On the 29th of June, 1598, the Queen of England, by her ambassador, Sir Francis Veer, addressed the States on the subject of the late peace between France and Spain, and left it to *their choice* to accede or continue the war. They resolved not to treat of peace.

The Archduke expressed his astonishment that the Queen should assist his *rebellious subjects*, on which she desired the King of France to tell him that alliances with the States of the Low Countries was not a new thing; that they had not *recognized him* for their sovereign, and that though she respected him as the brother of the Emperor and Archduke of Austria, yet as the lieutenant of the King of Spain she held him as an enemy.

On the 16th of August, 1598, the Queen of England entered into a new convention with the United Provinces, confirming the treaty of 1585, with certain other stipulations.

On the 28th of August, 1598, the Archduke wrote a letter to the States-General, to persuade them to accept him for their sovereign. To this letter they resolved *not to give any answer*.

On the 13th of September, 1598, Philip II, King of Spain, died. In the year 1599 the Emperor again commissioned ambassadors to persuade the United Provinces to treat of peace, etc. The States, in their answer of the 2d of December, 1599, refuse to treat, because, among other reasons, "the insolence of the Archduke and Infanta was such that, although they knew very well that they could claim no right to the said United Provinces under the before-mentioned donation or by any other title, yet so it was that, by placards, by public and notorious libels, and by indecent and unjust acts, which they could never excuse, they held them for rebels."

On the 7th of June, 1600, the States, in their answer to another application to the Emperor, say, among other things, that the Archduke had "treated the inhabitants barbarously, proclaiming those to *be rebels who had nothing to do with him*, and that, well considering all these things, they had good reason to judge that it would neither be consistent with their honor nor their interest to acknowledge the Archduke, or treat either with him or with Spain."

On the 3d of April, 1602, the Queen of England died.

On the accession of James, the Archduke immediately sent Nicholas Schossy to sound the King on the subject of peace, and the next year sent Count Arambergh there for the same purpose. King James sent Rudolph Winwood to inform the States that the Archduke had proposed to him to treat of peace, but that he would do nothing till he had informed them of it and should be advised of their inclinations.

On the 30th of July, 1603, the Kings of France and England concluded a treaty of confederation, principally for the defence of the United Provinces against the King of Spain. This treaty was secret.

In May, 1604, conferences for a peace were opened at London between the deputies of Spain and the Archduke on the one part, and those of England on the other.

The Spaniards requested the king to mediate a peace between the Archduke and the United Provinces *on reasonable and equal terms*. The English answered that it was not their business, and that they could treat together, without saying anything of the United Provinces.

On the 28th of August, 1604, peace was concluded between Spain and the Archduke on the one part and England on the other.

On the last of May, 1605, the States, in answer to the propositions for peace made by the Emperor, Electors, Princes, and States of the Empire, say, "that they had been legally discharged from their oaths to the late King of Spain; insomuch that all impartial kings, princes, and states did at present acknowledge and hold the Low Countries for a *free state*, qualified of right to govern itself in form of a republic or to choose another Prince.

"That as to what they had been advised, viz, to enter into any treaty, contrary to the free government right which they had obtained, and which they still enjoyed, they considered it as *contrary to God, their honor, and their safety*."

About the end of February, 1607, there came from Brussels to Holland, as deputy from the Archduke, the commissary-general of the minor brothers, whose father had formerly been well acquainted with the Prince of Orange.

He came to learn the reasons which had prevented the propositions of the Sieur Horst from being successful. After speaking often in private with Prince Maurice he came to The Hague, where he also had an audience of Prince Maurice, to whom he said that it was not the intention of his Highness *either to better or to lessen his right by any treaty of truce, but to treat with the States in the state in which they were*. And on being given to understand that the Archduke *must acknowledge the state for a free state before they would enter into any treaty*, he undertook to bring the Archduke to consent to it, in order to avoid the effusion of blood. On the 9th, he went in Prince Maurice's boat to Antwerp, and returned on the 17th of March to The Hague, and did so much, that both parties finally agreed to come to some mutual treaty, agreeable to the conditions of the following declaration, viz :

"The Archdukes have found it proper to make the following declaration, offer, and presentation to the *States-General of the United Provinces of the Low Countries* :

"That the Archdukes having nothing more at heart than to see the Low Countries and the inhabitants thereof delivered from the miseries of war, declare, by these presents, and with mature deliberation, that they are content to treat with the States-General of the United Provinces in quality and as holding them *for free Countries, Provinces and States, to which their Highnesses pretend nothing*, either by way of perpetual peace, or truce, or cessation of arms for twelve, fifteen, or twenty years, at the election of the said States, and on reasonable conditions." Then follows certain propositions for a truce, &c., and afterwards a condition, "That the States agree to the aforesaid provisional truce in eight days after the delivery of these presents, and shall make a declaration to their Highnesses in writing before the 1st of September next ensuing, touching the principal treaty aforesaid of truce or cessation of arms, with the time and place which they may have chosen. Done at Brussels, under the signatures and the seal of their Highnesses, the 13th of March, 1607."

To this declaration and offer the States answered, "That the States-General, in quality of and as free States, Countries, and Provinces, over which their highnesses have nothing to pretend, and being equally desirous of nothing more than to consent to a Christian, honorable, and sure issue to and deliverance from the miseries of this war, after mature deliberation, and with the advice of his excellency and of the council of state, *have accepted* the said declaration of the Archdukes *to regard their United Provinces as free countries, to which their Highnesses have nothing to pretend*, and also a truce for eight months, &c., &c. Their Highnesses further promising to obtain and deliver to the said States-General, within three months next ensuing, the agreement

of the King of Spain touching the treaty, under all the necessary renunciatiouns and obligations, as well general as special."

On the last of June, 1607, the King of Spain ratified the truce, but *omitted an acknowledgment of their independence.*

The States-General, on the 9th and 11th of August, "declared these ratifications to be imperfect, both in substance and in form." The Archduke promised to procure a more complete one.

On the 18th of September, 1607, the King of Spain made a new ratification, *containing the acknowledgment in question*, but declaring that the said ratification should be void unless the peace or truce in contemplation should take place.

To this condition the States made strong objections.

On the 2d of November, 1607, the States made various remarks on the ratification. They *absolutely refused to accept, and protested against the condition* contained in it, but offered to proceed on the footing of the declaration, *provided* the States should be firmly assured that nothing would be proposed either on the part of the Archduke or of the King *contrary to the same*, or prejudicial to the state or government of the United Provinces; and provided also that the Archduke did send his deputies to The Hague fully authorized, &c., within ten days after the receipt of that answer.

On the 10th of November the States-General adjourned to take the sense of their constituents on the subject of the ratification, and agree to meet again on the 10th of December.

On the 24th of December, 1607, they wrote to the Archduke that, under the *protest and declaration* contained in the answer of the 2d of November, they were content to enter into conferences with his deputies at The Hague, and proposed to prolong the truce a month or six weeks.

On the 7th of January the answer of the Archduke arrived, in which he calls the States "*très chers et bons amis.*" He observed that he had learnt from their letter of the 24th of December the resolution they had taken to enter into conferences with his deputies about peace, and in the mean time to prolong the truce for a month or six weeks.

That as to the first point, he had appointed for the said conferences the same persons whom he had before employed, and that they should set out the 15th of January; and that, as to the truce, he was content to prolong it for six weeks.

On the 6th of February, 1608, the deputies of the States and those of the Archduke had their first meeting to exhibit their respective credentials. The deputies of the Archduke produced two—one from him and the other from the King of Spain.

On the 8th of February, 1608, the deputies of both parties had their second meeting. Those of the States asked the others if they were fully instructed (*enchargés*) to *acknowledge the United Provinces to be free Provinces and Countries, and to treat with them in that capacity?* to which they explicitly (*rondement*) answered *yes*. The Dutch deputies thereupon asked why, then, the Archduke retained the arms and name of the said provinces? They then replied that it ought not to seem strange, for that the King of Spain retained the title of the King of Jerusalem, the King of France that of King of Navarre, and the King of England retained the arms and title of France.

On the 11th of February, 1608, they met again; the deputies of the States presented to the others an article which they had drawn up, by which the "Provinces were declared to be free, and that the King of Spain and the Archdukes relinquished all their pretensions to the sovereignty of the said Provinces, &c., as well for themselves as for their successors and heirs, *with the name and arms.*"

The others received the article, and took time to consider of it, on which the meeting was adjourned. They immediately despatched a courier with a copy of it to Brussels, and received an answer on the 13th. They complained, however, to the ambassadors of France and Great Britain, &c., of the States being *so precise* in that article.

On the 13th of February, 1608, in the afternoon, the deputies again assembled, and those of the Archduke *consented to the article as it was drawn up*, with reserve, nevertheless, that in case all the other points should be agreed upon, *they hoped* the States would do something for the King of Spain and the Archduke respecting the Indies, &c.

On the 15th of February they again met. They agreed on the points of amnesty and oblivion, but on treating of reciprocal free trade and navigation to each other's ports and countries, the deputies of the Archduke declared that they did not mean to comprehend in that free trade, *the navigation to the Indies* and all the fortresses there, but, on the contrary, that all the subjects of these countries should *forthwith desist therefrom*. The Dutch deputies opposed *this strongly and firmly*, saying that it would prejudice the liberty of the Provinces and *the free use of the sea*, and, therefore, that they were not authorized to relinquish it. The others continued firm in their demand, and after long debates the deputies separated.

On the 19th, 23d, and 27th of February, and 4th of March, 1608, the deputies met, but, except debating, did nothing, both parties continuing firm and resolved not to cede anything.

The deputies of Spain, finding they could not carry the point as to the Indies, declared at length that they would consult together on a proposition to make a truce for some years respecting the navigation, and that they were ready to go on to the other points and try to agree upon some of them.

On the 7th of March they exchanged heads of articles for consideration. On the 11th and 12th of March they again met, and had fruitless debates about a *free navigation to the Indies, &c.* The Marquis Spinola proposed that the subject should be divided, and that two sets of propositions should be prepared, one for the navigation in Europe, and the other for the Indies.

On the 17th of March they again met, and the Dutch deputies offered to the others two sets of propositions, as had been proposed. They received them for consideration; but after debate they declared that they could not agree to them, and that they must make a journey to Spain for further instructions. For this reason the truce was prolonged to the end of May.

The truce was continued from time to time and sundry fruitless meetings held; but on the 20th of August, 1608, the deputies assembled; "the Spanish ones declared that they had lately received full instructions on the several points in question, viz., *that the King and Archduke were content to quit the sovereignty of the United Provinces*; but that he required two points to be yielded by the States by way of compensation, viz., the re-establishment of the Roman Catholic religion in every place in the Provinces, and that they should immediately *desist from all navigation both to the East and West Indies.*"

The Dutch deputies reported this to the States-General. On the 25th of August the States-General made a long and spirited declaration on the subject of this report, resolving against negotiating any longer; and they ordered a copy of it to be delivered to the Spanish deputies.

On the 27th of August, 1608, the ambassadors of France and England, &c., came to the States-General and endeavored to prevail upon them to agree to a long truce.

On the 30th of August the States expressed their readiness to agree to a long truce, provided the adverse party "*would so absolutely acknowledge them for free countries as that it should not be questioned after the expiration of the truce*; that otherwise they could not listen to a truce."

On the 3d of September the Spanish deputies said they had no instructions to treat of truce in acknowledging the United Provinces to be absolutely free, and *permitting the navigation to the Indies*, but that they had sent the proposition to Brussels, in order to have further instructions.

On the 7th of September they received an answer from Brussels, and they declared that they had no instruction to agree to a long truce with the States on condition to

acknowledge them to be states absolutely free, and without comprehending the re-establishment of the Roman religion and the relinquishment of *all navigation to the Indies*, but that the Archduke would send the proposition to Spain, from whence he might expect an answer by the end of September.

They then proposed either to wait for the answer of Spain, or continue the present truce for seven years, observing that it had been made with an express declaration to hold the United Provinces for free countries, and that as to the trade to the Indies the Archduke would promise to *get it ratified by the King of Spain for that space of time*.

The States unanimously rejected this new proposition, but gave them the time they had demanded for the answer of Spain. On the 28th of September the Spanish deputies applied to the ambassadors of France, &c., to ask ten days more from the States. The ambassadors agreed to do it *in the name of the deputies*, but they declined it.

On the last of September they took their leave.

The States-General became possessed by accident of the instructions given to Spinola and the other deputies; they were signed by the Archdukes, and dated at Brussels, the 6th of January, 1608. They were thereby instructed to insist on the free exercise of the Roman Catholic religion.

As to independence the instructions say :

"As to the subject of liberty, since you know what we have granted, make no difficulty of arranging it as they wish; doing or saying nothing in opposition which may make them suspect that we desire to revoke our declaration on that point, as we are determined to abide by it in all respects."

These instructions also directed them to insist that the States should renounce, and entirely and absolutely desist from the trade of the East and West Indies, and should agree to punish those who might undertake such voyages, &c.

On the departure of the Spanish deputies the ambassadors of France and Great Britain endeavored to prevail upon the States-General to listen to a truce, and proposed to their consideration certain articles which they had prepared. The States, after much deliberation, agreed to enter into further negotiations on that subject.

On the 25th of March, 1609, the deputies of both parties met at Antwerp, and on the 9th of April following a truce for twelve years was concluded upon. It was forthwith ratified by the States and the Archdukes, and published on the 14th of April.

On the 7th of July, 1609, at Segovia, the King of Spain explicitly and without reserve ratified this truce, viz :

"His majesty having seen the contents of the articles of truce and capitulation which his dear and well-beloved brothers, the Archdukes Albert and Isabella Clara Eugene, have sent him, concerning the truce granted in the name of his majesty by his representative, and in that of their Highnesses by themselves, to the States-General of the United Provinces of the Low Countries, and having maturely considered it, declares that he applauds, approves, confirms, and ratifies the said truce in so much as concerns him," &c.

The first article of this truce was in the words following :

"First, the above-mentioned Archdukes declare, in their own name and in that of the King, that they are content to treat with the said States-General of the United Provinces in the character of, and holding them for, a free country, estates, and provinces, over which they have no claims, and to make a truce with them in the name and under the character above described; and this they do on the conditions hereinafter described and declared by these presents."

On the 30th of January, 1648, a treaty of peace was concluded between Spain and the United Provinces.

The full powers or commission given by the King of Spain to his plenipotentiaries for making this peace were dated near two years before, viz., 7th of June, 1646, and they show clearly that he negotiated with those Provinces as with independent states on that occasion.



The tenor of this commission is very different from that of Mr. Oswald. The following is an extract from it :

"All the powers which are concerned in this war having by common consent chosen the city of Munster as a place for holding the congress and negotiations for the peace aforesaid, we have thought proper to name plenipotentiaries there to treat with the States of the free Provinces of the Low Countries, or with their ambassadors and plenipotentiaries authorized and deputed for this purpose," &c.

From this detail it appears that the Dutch ever after their declaration of independence in July, 1581, uniformly treated with the neighboring nations on an *equal footing*, and also that they constantly and firmly refused to negotiate either for truce or peace with Spain until she consented to treat with them in *like manner*.

We forbear engaging your Excellency's time and attention by the application of these facts and conclusions to the case of our country. We are persuaded that the similarity between the two will not escape your discernment, and that we shall not be thought singular in our opinion, that the example of the United Provinces merits at least in these respects the imitation as well as the approbation of the United States of America.

But, sir, we not only think it inconsistent with the dignity of the United States to treat with Britain in the humiliating manner proposed, but also that it would be repugnant to their interest.

The respect of other nations is undoubtedly of importance to America ; but, sir, if she ceases to respect herself, how can she expect to be respected by others ?

America has taken and published noble and manly resolutions to support her independence at every hazard. She has hitherto done it, and would it be for her interest to quit the ground for which she has lost so much of her blood, merely to accommodate herself to the high-blown pride of an enemy ? Sir, the very proposition carries with it insult, and therefore bears strong marks of *insincerity*.

But suppose that the United States should descend from their present ground of equality, in order to treat with Mr. Oswald, and that our negotiations should be *fruitless*. In what an awkward situation should we then be ? We should find ourselves betrayed by our too great pliancy and our too great desire of peace, to the ridicule of our enemies, the contempt of other nations, and the censure of our own minds. What a page would this make in history.

As to Mr. Oswald's offer to make an acknowledgment of our independence the first article of our treaty, and your Excellency's remark that it is sufficient, and that *we are not to expect the effect before the cause*, permit us to observe that by the *cause* we suppose is intended the *treaty*, and by the *effect*, an acknowledgment of our independence. We are sorry to differ from your Excellency, but really, sir, we can not consider an acknowledgment of our independence as a subject to be treated about ; for while we feel ourselves to be independent in fact, and know ourselves to be so of right, we can see but one cause from whence an acknowledgment of it can flow as an effect, viz : *the existence and truth of the fact*. This cause has long existed and still exists, and therefore we have a right to expect that Great Britain will treat with us being what we are, and not as what we are not. To treat about this matter would be to suppose that our independence was incomplete until they pronounced it to be complete. But we hold it to be complete already, and that as it never did, so it never will or must, depend in the least degree on their will and pleasure. To us there appears to be a wide distinction between their acknowledging the United States to be independent and their renouncing their pretended, though troublesome, claims ; the former being a pre-existing fact, can not depend upon and therefore is not a proper subject for a treaty ; but to renounce or not to renounce a claim, whether good or bad, depends on the will of him who makes and prosecutes it ; and, therefore, like other matters of interest and convenience, is a proper subject for bargains and agreements between those who trouble their neighbors with such claims and their neighbors who are troubled by them ; and who, for peace sake, may choose to continue the lawsuit unless their future quiet is secured by a quitclaim.

I think it was on the 24th of September that I was informed of the intention of the British court to give Mr. Oswald such a new commission as had been recommended.

On the 26th of September I went to pay a visit to the Count de Vergennes at Versailles. I found the Marquis de la Fayette in the antechamber, and the Ambassador of Spain shortly after entered. After some common conversation, the Ambassador asked me when we should proceed to do business. I told him as soon as he should do me the honor of communicating his powers to treat. He asked me whether the Count de Florida Blanca had not informed me of his being authorised. I admitted that he had, but observed that the usual mode of doing business rendered it proper that we should exchange certified copies of our respective commissions. He said that could not be expected in our case; for that Spain had not yet acknowledged our independence. I replied that we had declared it, and that France, Holland, and Britain had acknowledged it. Here the Marquis de la Fayette took up the subject, and it continued between him and the Ambassador till the Count de Vergennes came in. The Marquis told the Ambassador, among other things, that it would not be consistent with the dignity of France for her ally to treat otherwise than as independent. This remark appeared to me to pique the Count d'Aranda not a little.

The Count de Vergennes, in coming in, finding the conversation earnest, inquired whether we could not agree. The Ambassador stated my objections. The Count said I certainly ought to treat with the Ambassador, and that it was proper we should make a treaty with Spain in the same manner that we had done with France. I told him I desired nothing more; and that the commission to M. Gerard and the reason assigned by this Court to the King of Great Britain for entering into alliance with us pointed out both the manner and the principles which were observed and admitted on that occasion. The Count did not seem pleased with my allusion to the communication made of our alliance to England. He observed that Spain did not deny our independence, and he could perceive no good reason for my declining to confer with the Ambassador about a treaty without saying anything about our independence, an acknowledgment of which would naturally be the effect of the treaty proposed to be formed. I told the Count that, being independent, we should always insist on being treated as such, and therefore it was not sufficient for Spain to forbear denying our independence while she declined to admit it, and that notwithstanding my respect for the Ambassador and my desire of a treaty with Spain, both the terms of my commission and the dignity of America forbid my treating on any other than an *equal footing*.

The Count carried the Ambassador into his cabinet, and when he retired I was admitted.

The Count commenced the conversation by explaining the reason of sending M. Rayneval to England, which he said was, that by convers-

ing with Lord Shelburne about peace and matters connected with it he might be able to judge whether a pacific disposition really prevailed in the British court, and, therefore, whether any dependence might be placed in his lordship's profession on that head; that he was satisfied with M. Rayneval's report, and that he believed that Lord Shelburne was sincerely desirous of peace.

A few words then passed about Mr. Oswald's new commission; the Count observing in general terms that as it removed our former objections, we might now go on to prepare our preliminaries.

The conversation next turned to our negotiation with Spain, and to her claims east of the Mississippi. Nothing new passed on the first topic; as to the latter, the Count made only some very general remarks, such as that he hoped we should, on conferring further about the matter, approach nearer to each other; that those limits ought to be settled, and while they remained in contest, a treaty with Spain could not reasonably be expected; that as soon as we should agree upon those points, Count d'Aranda would have a further or more formal commission to conclude the treaty, &c.

I remarked that these claims of Spain were of recent date, for that on my first arriving in Spain, the Count de Florida Blanca told me that the success of my mission would probably turn upon one single point, viz., the cession of our rights to the navigation of the river Mississippi; from which, as well as from their subsequent and uniform demands on that head, it was evident that they then considered that river as our  
\* boundary; for it would have been very strange indeed that they should insist on our forbearing to navigate a river whose waters washed no part of our country, and to which we could not, of consequence, have any pretence of claim.

The Count smiled, but avoided making any direct reply; he hoped we should, nevertheless, agree, and that we must endeavor to approach and meet each other. I told him I could not flatter myself with such expectations while Spain continued her claims to those countries, for that we should be content with no boundary short of the Mississippi.

I went from the Count's to M. Rayneval's chamber, for I had not seen him since his return from England. He gave me the same reason for his journey which I had just received from the Count. We then talked of his memoir and the Spanish negotiation. He said much in favor of the conciliatory line he had proposed, and of the advantages of placing the Indian nations on the *west* side of it under the *protection* of Spain, and those on the *east* under that of the United States; that the rights of those nations would be thereby secured, and future disputes between us and Spain avoided. I replied that, so far as our claims might affect those Indian nations, it was a matter solely between us and them; and that, admitting them to be independent, they certainly had a right to choose their own protectors; and, therefore, that we could have no right, without their knowledge or consent, to choose

for them. I also made the same remark to him respecting the recency of these Spanish claims which I had just before done to Count de Vergennes. He said it was a subject which Count de Florida Blanca had not understood, and imputed their former ideas of our extending to the Mississippi to their ignorance respecting those matters; hence it became evident from whom they had borrowed their present ideas.

On the 27th of September, Mr. Vaughan returned here from England, with the courier that brought Mr. Oswald's new commission, and very happy were we to see it. Copies of it have already been sent to you, so that I will not lengthen this letter by inserting it here; nor will I add anything further on this head at present, than to assure you that Mr. Vaughan greatly merits our acknowledgments.

The next thing to be done was to prepare and draw up the proposed articles. They were soon completed and settled between us and Mr. Oswald, by whom they were sent to his court, with letters declaring his opinion that they ought to be accepted and agreed to; but they differed with him in opinion.

These articles, for very obvious reasons, were not communicated to the Count de Vergennes.

Mr. Oswald did not receive any opinion from his court relating to our articles until the 23d of October, when letters from the minister informed him that the extent of our boundaries, and the situation of the Tories, &c., caused some objections, and the minister's secretary was on the way here to confer with us on those subjects.

On the 24th of October, I dined at Passy with Dr. Franklin, where I found M. Rayneval. After dinner we were in private with him a considerable time. He desired to know the state of our negociation with Mr. Oswald. We told him that difficulties had arisen about our boundaries, and that one of the minister's secretaries was coming here with papers and documents on that subject. He asked us what boundaries we claimed. We told him the river St. John to the east, and ancient Canada, as described in the proclamation, to the north. He contested our right to such an extent to the north, and entered into several arguments to show our claim to be ill founded. These arguments were chiefly drawn from the ancient French claims, and from a clause in the proclamation restraining governors from making grants in the Indian country, &c.

He inquired what we demanded as to the fisheries. We answered that we insisted on enjoying a right in common to them with Great Britain. He intimated that our views should not extend further than a coast fishery, and insinuated that pains had lately been taken in the eastern States to excite their apprehensions, and increase their demands on that head. We told him that such a right was essential to us, and that our people would not be content to make peace without it; and Dr. Franklin explained very fully their great importance to the eastern States in particular. He then softened his manner, and observed that

it was natural for France to wish better to us than to England; but as the fisheries were a great nursery for seamen, we might suppose that England would be disinclined to admit others to share in it, and that for his part he wished there might be as few obstacles to a peace as possible. He reminded us, also, that Mr. Oswald's new commission had been issued posterior to his arrival at London.

On the 26th of October Mr. Adams arrived here, and in him I have found a very able and agreeable coadjutor.

When I began this letter, I did not flatter myself with being able to write this much before Captain Barney would leave us; and I now find myself too much exhausted to proceed with further details, and must therefore refer you to the letters you will receive from Mr. Adams and Dr. Franklin.

The same reason also prevents my writing to you and Mr. Morris on other subjects by Captain Barney, and I hope the length of this letter, and the disagreeable state of my health, will apologise for my not writing even to my own family by this opportunity.

I am sensible of the impression which this letter will make upon you and upon Congress, and how it will affect the confidence they have in this court. These are critical times, and great necessity there is for prudence and secrecy.

So far, and in such matters as this court may think it their interest to support us, they certainly will, but no further, in my opinion.

They are interested in separating us from Great Britain, and on that point we may, I believe, depend upon them; but it is not their interest that we should become a great and formidable people, and therefore they will not help us to become so.

It is not their interest that such a treaty should be formed between us and Britain as would produce cordiality and mutual confidence. They will therefore endeavor to plant such seeds of jealousy, discontent, and discord in it as may naturally and perpetually keep our eyes fixed on France for security. This consideration must induce them to wish to render Britain formidable in our neighborhood, and to leave us as few resources of wealth and power as possible.

It is their interest to keep some point or other in contest between us and Britain to the end of the war, to prevent the possibility of our sooner agreeing, and thereby keep us employed in the war, and dependent on them for supplies. Hence they have favored and will continue to favor the British demands as to matters of boundary and the Tories.

The same views will render them desirous to continue the war in our country as long as possible, nor do I believe they will take any measures for our repossession of New York unless the certainty of its evacuation should render such an attempt advisable. The Count de Vergennes lately said that there could be no great use in expeditions to take places which must be given up to us at a peace.

Such being our situation, it appears to me advisable to keep up our

army to the end of the war, even if the enemy should evacuate our country; nor does it appear to me prudent to listen to any overtures for carrying a part of it to the West Indies in case of such an event.

I think we have no rational dependence except on God and ourselves, nor can I yet be persuaded that Great Britain has either wisdom, virtue, or magnanimity enough to adopt a perfect and liberal system of conciliation. If they again thought they could conquer us, they would again attempt it.

We are nevertheless, thank God, in a better situation than we have been. As our independence is acknowledged by Britain, every obstacle to our forming treaties with neutral powers and receiving their merchant ships is at an end, so that we may carry on the war with greater advantage than before in case our negotiations for peace should be fruitless.

It is not my meaning, and therefore I hope I shall not be understood to mean, that we should deviate in the least from our treaty with France; our honor and our interest are concerned in inviolably adhering to it. I mean only to say that if we lean on her love of liberty, her affection for America, or her disinterested magnanimity, we shall lean on a broken reed, that will sooner or later pierce our hands, and Geneva as well as Corsica justifies this observation.

I have written many disagreeable things in this letter, but I thought it my duty. I have also deviated from my instructions, which, though not to be justified, will, I hope, be excused on account of the singular and unforeseen circumstances which occasioned it.

Let me again recommend secrecy, and believe me to be, dear sir, &c.,  
JOHN JAY.

P. S.—I have neither seen nor heard anything of Mr. Laurens, nor of the cipher you mention to have sent by him.

#### OBSERVATIONS ON THE ABOVE LETTER BY MR. SPARKS.

Although in the present work I have carefully refrained from expressing any opinions on the contents of the letters, or views of the writers, not feeling authorized by the resolution of Congress, under which these papers are published, to assume the task of a commentator or critic, yet in regard to the preceding letter I can not hesitate to make an exception to this rule, and for reasons which I trust will appear obvious and satisfactory.

On the main topics of the above letter I have read in the office of foreign affairs in London the confidential correspondence of the British ministers with their commissioners for negotiating peace in Paris. I have also read in the French office of foreign affairs the entire correspondence of the Count de Vergennes, during the whole war, with the French ministers in this country, developing the policy and designs of the French court in regard to the war, and the objects to be attained by the peace. I have moreover read the instructions of the Count de Vergennes to M. de Rayneval, when he went to London, and the correspondence which passed between them while he remained there, containing notes of conversations with Lord Shelburne on one part, and Count de Vergennes' opinions on the other. After examining the subject with all the care and accuracy which these means of information

have enabled me to give to it, I am prepared to express my belief most fully, that Mr. Jay was mistaken both in regard to the aims of the French court and the plans pursued by them to gain their supposed ends.

1. Mr. Jay conceived that one motive of M. de Rayneval's journey was to cause the acknowledgment of independence by Great Britain to be deferred till France and England should have arranged their treaty. But in reality, M. de Rayneval was instructed to insist on the independence of the United States as a *preliminary measure*. In a letter to the Count de Vergennes, dated September 28th, 1782, he writes that Lord Shelburne said "he had always been opposed to independence, but that he perceived the necessity of ceding it, and that this object should be granted *without condition*." And in reporting the result of his conversations with the British minister, M. de Rayneval states the points discussed in their order, the first of which is as follows: "*Independence, this article is agreed upon; it shall be without restriction*" (*il sera sans restriction*). So far from recommending, therefore, to defer the recognition of American independence, M. de Rayneval insisted on an agreement to it as a *preliminary step* to further discussions.

2. Mr. Jay supposed again that another purpose of M. de Rayneval's visit to London was to interfere with the claims of the United States respecting the fisheries and boundaries. But this supposition is contradicted by the following extract from his instructions, viz: "As it is possible that the English ministers may speak to M. de Rayneval concerning the affairs of America and of the United Provinces, he will declare that he has no authority to treat on these topics." Accordingly we find him writing to the Count de Vergennes in the letter quoted above, that after discussing the subject of the fisheries with reference to the interests of England and France, Lord Shelburne said to him, "without doubt the Americans will also form pretensions to the fisheries, but he trusted the King (of France) would not sustain them." To which M. de Rayneval replied "that he was ignorant of the views of Congress concerning the object in question, but thought he might venture to say that the King would never support unjust demands; that he was not able to judge whether those of the Americans were such or not; and that, besides, he was *without authority in this respect*." Again, in the same letter, M. de Rayneval adds: "Lord Shelburne said he had foreseen that there would be a great deal of difficulty with the Americans, as well in regard to boundaries, as to the fishery of Newfoundland; but he hoped that the King would not sustain them in their demands. I answered that I did not doubt the earnest desire of the King to do all in his power to restrain them within the bounds of justice and reason. As to the extent of the boundaries, I supposed the Americans would regulate it by their charts; but the discussion was not continued far, because it did not pertain to me either to uphold or weaken the pretension of America, with which I was unacquainted. I added only, that the English ministry ought to find in the negotiations of 1754, relative to the Ohio, the limits which England, then the sovereign of America, believed it proper to assign."

The above extracts, it must be kept in mind, are from the confidential letters written at the time between M. de Rayneval and Count de Vergennes. The purport of them is corroborated by testimony that might be drawn from other sources. They show most clearly that Mr. Jay's suspicions were in reality erroneous, on whatever grounds he might at the time suppose them to rest. M. de Rayneval's visit to London had nothing to do with American affairs, except to insist on unconditional independence.

Nor is it improbable that the change in Mr. Oswald's commission was effected in consequence of M. de Rayneval's representations; for the agreement on the part of the British minister to cede independence "*without restriction*" was made before Mr. Vaughan's arrival in London as a messenger from Mr. Jay.

These facts go far to rescue the French ministry from the censure which it has been usual to cast on them respecting their supposed policy in the negotiations for

peace. Whoever will examine all the testimony that exists on the subject will be convinced that some grave particulars have crept into our history, which have a slender foundation in fact, and which bestow but scanty justice on the motives, conduct, and policy of the first ally of the United States.\*

JARED SPARKS.

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Livingston to J. Adams.†

PHILADELPHIA, *November 18, 1782.*

SIR: Since my letter of the 6th, Congress have been pleased to appoint Mr. Jefferson one of their ministers plenipotentiary for negotiating peace. I have not yet received an answer to my letter informing him of this event, though I have some reason to believe he will accept the appointment.

I believe I mentioned to you that Congress had refused to accept Mr. Laurens' resignation.‡ Many members have since seen with great pain the petition published in the Parliamentary debates as his. I sincerely wish that it may prove to be a forgery, since the language it speaks does not consist with the dignified character he holds. He has since informed Congress that he purposes to return to England, and come out to this country by the way of New York. I hope the determination of Congress will reach him before he leaves France, as it will have an awkward appearance to send to England for an American minister.

All the contracts we have received from you have been sent back with the ratification endorsed. Some of them have, I hope, reached you before this. So that the last hand may be put to the important business of the loan.

So much has been said of Captain Asgill, upon whom, as you have been informed, the lot fell, when it was determined to avenge the death of Captain Huddy, that I should let you know the issue of this business, which you may in part collect from the enclosed resolve, though you may be ignorant of the reasons which induced Congress to pass it, and again render abortive their determination to punish the unexampled cruelty of the enemy. Mrs. Asgill, the mother of this unfortunate young man, had sufficient influence at the court of France to obtain its interposition in his favor; a letter was written on the subject by Count de Vergennes to General Washington, enclosing one from Mrs. Asgill to the Count, which was extremely pathetic. The minister of France had orders from his master to support this application. It was thought advisable that this should not be formally done, but that the

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\* For a further elucidation of this subject see the *North American Review* for January, 1830, No. 66, p. 15; also Livingston's letter to Jay, dated January 4th, 1783, *infra*.

† MSS. Dep. of State; 3 Sparks' *Dip. Rev. Corr.*, 689.

‡ See Introduction, § 173.



discharge of Asgill should be grounded upon the reasons expressed in the preamble of the resolution. Congress the more readily acquiesced in this measure, as there is ground to hope, from the late conduct of the enemy, that they have determined to adopt a more civilized mode of carrying on the war in future. They have called off the savages, and a large number of prisoners have returned on parole from Canada.

We have yet no certain account of the evacuation of Charleston, though we know that the first division of the troops, and a considerable number of the inhabitants, sailed on the 19th ultimo, as is said, for Augustine; it is probably evacuated by this time.

It would give me pleasure to receive from you an accurate account of the differences which have arisen between the court of Denmark and the United Provinces, and the effects they may probably produce. We are imperfectly acquainted with facts here, and still less with the politics of the northern courts; you will sometimes extend your observations to them.

I confide too much in the wisdom of the States-General to believe that they will omit any honorable means to prevent an accession of strength to Great Britain at this critical moment.

I have the honor to be, &c.,

ROBERT R. LIVINGSTON.

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J. Adams to Livingston.\*

PARIS, *November 18, 1782.*

SIR: The instructions from Congress, which direct us to pay so strict an attention to the French ministry, and to follow their advice, are conceived in terms so universal and unlimited as to give a great deal of anxiety to my mind.

There is no man more impressed with the obligation of obedience to instructions; but in ordinary cases the principal is so near the deputy as to be able to attend to the whole progress of the business, and to be informed of every new fact and every sudden thought. Ambassadors in Europe can send expresses to their courts and give and receive intelligence in a few days with the utmost certainty. In such cases there is no room for mistake, misunderstanding, or surprise, but in our case it is very different. We are at an immense distance. Despatches are liable to foul play and vessels are subject to accidents. New scenes open, the time presses, various nations are in suspense, and necessity forces us to act.

What can we do? If the French minister advises us to cede to the Spaniards the whole river of the Mississippi and five hundred miles of territory to the eastward of it, are we bound by our instructions to put our signature to the cession, when the English themselves are willing

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\* 3 Sparks' Dip. Rev. Corr., 691; 8 J. Adams' Works.

we should extend to the river, and enjoy our natural right to its navigation? If we should be counselled to relinquish our right to the fishery on the Grand Bank of Newfoundland, when the British ministry are ready by treaty to acknowledge our right to it, are we obliged to relinquish it? If we are advised to restore and compensate the Tories, are we to comply? If we know, or have reasons to believe, that things which will have weight upon the minds of the British ministry against us upon some points will be communicated to them in some way or other, secret or open, if we communicate it to this court, are we bound to do it?

I can not think that a construction so literal and severe was ever intended to be put upon it, and therefore I see no way of doing my duty to Congress, but to interpret the instruction, as we do all general precepts and maxims, by such restrictions and limitations as reason, necessity, and the nature of things demand.

It may sometimes be known to a deputy that an instruction from his principal was given upon information of mistaken facts—what is he to do? When he knows that if the truth had been known his principal would have given a directly contrary order, is he to follow that which issued upon mistake? When he knows, or has only good reason to believe, that if his principal were on the spot and fully informed of the present state of facts he would give contrary directions, is he bound by such as were given before? It can not be denied that instructions are binding, that it is a duty to obey them, and that a departure from them can not be justified; but I think it can not be denied, on the other hand, that, in our peculiar situation, cases may happen in which it might become our duty to depend upon being excused (or, if you will, pardoned) for presuming that if Congress were upon the spot they would judge as we do.

I presume not to dictate, nor to advise, but I may venture to give my opinion, as I do freely, and with much real concern for the public, that it would be better if every instruction in being were totally repealed which enjoins upon any American minister to follow, or ask the advice, or even to communicate with any French or other minister or ambassador in the world. It is an inextricable embarrassment everywhere. Advice would not be more seldom asked nor communication less frequent. It would be more freely given. A communication of information, or a request of council, would then be received as a compliment and a mark of respect; it is now considered as a duty and a right. Your ministers would have more weight and be the more respected through the world. Congress can not do too much to give weight to their own ministers, for, they may depend upon it, great and unjustifiable pains are taken to prevent them from acquiring reputation, and even to prevent an idea taking root in any part of Europe, that anything has been or can be done by them. And there is nothing that humbles and depresses, nothing that shackles and confines—in short, nothing that renders totally useless all your ministers in Europe so

much as these positive instructions to consult and communicate with French ministers upon all occasions and follow their advice. And I really think it would be better to constitute the Count de Vergennes our sole minister, and give him full powers to make peace, and treat with all Europe, than to continue any of us in the service, under the instructions in being, if they are to be understood in that unlimited sense which some persons contend for.

I hope that nothing indecent has escaped me upon this occasion. If any expressions appear too strong, the great importance of the subject and the deep impression it has made on my mind and heart must be my apology.

I am, sir, your humble servant,

JOHN ADAMS.

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Dana to Livingston. \*

No. 11.

ST. PETERSBURGH,

November 18, (*November 7, O. S.,*) 1782.

SIR: When I was informed by Mr. Adams that Mr. Jay had written to him from Paris that "the British commissioner there had received full powers to treat of a peace with the commissioners of the United States," I waited upon the French minister to consult him on this special occasion upon the expediency of communicating my powers to this court. It would be imprudent, through this channel, to go into the reasons he assigned against it. It may be sufficient to say I found him strong in the opinion that all attempts made prior to a peace would be fruitless.

As his opinion is the rule by which I am to be governed in this case, nothing can be attempted till the period arrives when we shall not feel ourselves under strong obligations to any sovereign in the world, who should even make advances to form political connexions with us, or acquire much *éclat* from any such connexions. I thought the opportunity favorable when the only power which had any pretence of right to contest our independence, had consented by so formal an act to treat with us upon the footing of a sovereign and independent State. The consideration we should acquire by a political connexion with the illustrious sovereign of this empire during the war, and the advantages we might reasonably expect to derive from it in our negociation for a peace (for I have never considered independence as our only object), have ever made me desirous, if possible, to effect it during the war. Scarce any political measure of great importance can be undertaken with "an absolute certainty of success." If, therefore, upon mature deliberation the state of things is found to be such that success is not improbable and the benefits of it great and permanent, while the disadvantages of a failure, comparatively speaking, are small and of a transient nature, in

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\* MSS. Dep. of State; 4 Sparks' Dip. Rev. Corr, 650.

such a case it should seem that the measure should be hazarded. Though I do not believe this to be the very moment in which her Imperial majesty would wish to form any political connexion with the United States, but, on the contrary, she would wish to postpone it till the conclusion of the war, and be well pleased that no advances should be made on our part till then, because this would afford her opportunity to claim much merit of the court of London, in having withheld any encouragement to us, when, at the same time, not only any offence to the United States would be avoided, but she might allege, without a possibility of contradiction, that if an earlier application had been made by them, she would have been happy to have had an occasion to manifest her respect for them and the early interests she took in their concerns.

Nevertheless, there is room to suppose that if our propositions were communicated while the British King is in fact treating with the United States as with an independent sovereign power, that they would not be rejected. And if they were received, this circumstance might be productive of great benefit to our permanent interests. It would, in all probability, bring on a declaration of our independence by some other very considerable powers of Europe, particularly Sweden and Russia. The neutral maritime powers would extend the protection of their commerce and navigation to America, and no longer suffer their flags to be insulted on our coasts. The court of London would treat of peace with more zeal and good faith. They would the more readily give up certain claims and pretensions which they will doubtless make upon the United States, and would be exceedingly cautious how they broke off any negotiations which they had opened. In a word, we should stand on a more advantageous and independent ground of treaty.

For the attainment of objects like these, had any discretionary power been left me, I should have thought it clearly my duty to have made the attempt here in this moment, as I now consider it to be my duty to wait for the conclusion of the war, the period which is pointed out to me as the only proper one, and when most certainly nothing will remain to be hazarded.

If the present negotiations for a peace should happily succeed, I shall have occasion for the money mentioned in my letter No. 5, of September 5th, before I can expect an answer from Congress on that subject, and I shall apply to Dr. Franklin and Mr. Adams to advance it between them. It may not be amiss again to inform you that by the express allowance and order of her majesty, there is to be paid by every power entering into *any* treaty with her, six thousand roubles to *each* of her ministers signing the same; and it is now understood that there shall be four signatures on the part of her majesty, viz., that of Count Ostermann, the Vice-Chancellor; Count Woronzow, the President of the College of Commerce; M. Bakournin, Vice-President of the College of Finances; and M. Besborodko, Secretary of the Private Affairs or Particular Cabinet of her majesty. Matters of this sort were formerly

secret and gratuitous. They have now changed, their nature become public, and are demanded as of right, at least no treaty can be otherwise obtained. And care is taken to make it the interest of most powers to form a commercial treaty with this empire by declaring in the new tariff, which is just published, that all nations not having such a treaty shall pay the duties, one half in rix dollars and the other in the money of the country. This has heretofore, under the old tariff, been the rule for all nations except the British, who, by their treaty, obtained the right of paying *all* the duties in the money of the country. This privilege is extended to Denmark by their late treaty, and will doubtless be made common to all nations which shall choose to enter into a commercial treaty with her majesty, and thus the British will lose the principal benefit of their treaty before it expires, viz., 1786.

I have the honor to be, sir, with great esteem, &c.,

FRANCIS DANA.

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**J. Adams' Journal of Peace Negotiations—Continued.\***

NOVEMBER 19, 1782.

In the morning Mr. Jay called and took me with him in his carriage to Versailles. We waited on the Count de Vergennes, and dined with him, in company with all the foreign ministers and others, to the number of forty-four or five. Mr. Berkenrode, the Dutch ambassador, told me that he thought we should see something very singular in England. The conflict of parties and contentions for the ministry were such that he did not know where it would end. It was thought that Lord Shelburne could not support himself without an union with Lord North or Mr. Fox, and that the choice of either would determine the intentions of the court and Parliament.

Mr. Brantzen told me that they had begun the negotiations on their part, but were, as yet, very far asunder, but hoped they should approach nearer in a little time. Both he and Berkenrode asked me how we advanced. I told him Mr. Oswald was waiting for a courier, in answer to his of the 5th, which arrived the 10th. I told them both that we should not be behindhand of them. That, if it was once said that France, Spain, and Holland were ready, the British ministry would not hesitate upon any points between us that remained. They both said they believed we should find less difficult to arrange your affairs with England than any of the others would.

The Swedish minister went to a gentleman and asked him to introduce him to Mr. Jay and me, which he did. The minister told us he had been here since 1766. The same ministers are here from Russia, Denmark, and Sardinia, whom I knew here formerly. Mr. Jay made

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\*This and the passages down to November 25, 1782, are taken from 3 J. Adams' Works, 517 ff.

his compliment to Count d'Aranda, who invited him to come and see him and dine with him.

I see, by a long conversation at table with the Baron de Lynden, that he has an inclination to go to America, yet he modestly gives place to Mr. Van Berckel. The Marquis de la Fayette took leave of the King to-day in his American uniform and sword. He told me that the Count de Vergennes told him the day before, that M. de Rayneval was gone to England again; that he did not think the English so sincere as he wished for a speedy peace. He wished it himself, but could not see a prospect of it suddenly, &c. In returning, I asked Mr. Jay what he thought of the King of Great Britain's sending an ambassador to Congress? "After Mr. Oswald's commission, he might do it, and Congress must receive him," Jay said; "do you think with me upon that point too? If I were King of Great Britain, I would send a minister in the highest character; he should be ambassador extraordinary, and I would accredit him to our dear and beloved friends, and I would instruct that minister to treat that — — Congress with as high respect as any crowned head in Europe."

"But," said I, "he ought to be well instructed, too, in other points, namely, never to hint, or to suffer a hint, against the treaties with France and Holland; never to admit the idea of our failing in our public faith or national honor; and, farther, never to interfere in our parties, general or particular, with our internal policy, or particular governments, and to warn our people not to let the French ministers do it; if the Britons should strike with us, I would agree with you, after the terms are signed, to advise to the measure; if I were the King of Great Britain, I would give orders to all my ambassadors at the neutral courts to announce to those courts the independence of America; that I had acknowledged it, and given a commission under the great seal to treat with the ministers of the United States of America; that I recommended to these courts to follow the example and open negotiations with the said United States; that I recommended to those neutral States to send their vessels freely to, and receive vessels freely from, all the ports of the United States. I would send the Earl of Effingham ambassador to Congress, instructed to assure them that I would do them my best offices to secure to them the fisheries, their extent to the Mississippi, and the navigation of that river; that I would favor all their negotiations in Europe, upon their own plan of making commercial treaties with all nations; that I would interpose my good offices with the Barbary States, to procure them Mediterranean passes, &c."

20. Wednesday. Dr. Franklin came in, and we fell into conversation; from one thing to another we came to politics. I told him that it seemed uncertain whether Shelburne could hold his ground without leaning upon Lord North, on the one hand, or Fox, on the other; that if he joined North, or North and company should come in, they would go

upon a contracted system, and would join people at this court to deprive us of the Mississippi and the fisheries, &c.; if Fox came in, or joined Shelburne, they would go upon a liberal and manly system; and this was the only chance they had; no nation had ever brought itself into such a labyrinth; perplexed with the demands of Holland, Spain, France, and America, their funds were failing, and the money undertaken to be furnished was not found. Franklin said that the bank came in aid, and he learned that large sums of scrip were lodged there. "In this situation," said I, "they have no chance but to set up America very high; and, if I were King of Great Britain, I would take that tone; I would send the first duke of the kingdom ambassador to Congress, and would negotiate in their favor at all the neutral courts, &c.; I would give the strongest assurances to Congress of support in the fisheries, the Mississippi, &c., and would compensate the Tories myself."

I asked what could be the policy of this court in wishing to deprive us of the fisheries and Mississippi? I could see no possible motive for it but to plant seeds of contention for a future war; if they pursued this policy they would be as fatally blinded to their true interests as ever the English were. Franklin said they would be every bit as blind; that the fisheries and Mississippi could not be given up; that nothing was clearer to him than that the fisheries were essential to the Northern States, and the Mississippi to the Southern, and, indeed, both to all. I told him that Mr. Gérard had certainly appeared to America to negotiate to these ends, namely, to persuade Congress to give up both. This was the reason of his being so unpopular in America, and this was the cause of their dislike to Samuel Adams, who had spoken very freely both to Gérard and his Congress on these heads; that Marbois appeared now to be pursuing the same object. Franklin said he had seen his letter. I said I was the more surprised at this as Mr. Marbois, on our passage to America, had often said to me that he thought the fishery our national right and our essential interest, and that we ought to maintain it, and be supported in it; yet that he appeared now to be manœuvring against it. I told him that I always considered their extraordinary attack upon me not as arising from any offence or anything personal, but as an attack upon the fishery. There had been great debates in Congress upon issuing the first commission for peace and in settling my instructions; that I was instructed not to make any treaty of commerce with Britain without an express clause acknowledging our right to the fishery. This court knew that this would be, when communicated to the English, a strong motive with them to acknowledge our right, and to take away this they had directed their intrigues against me to get my commission annulled, and had succeeded. They hoped also to gain some advantage in these points by associating others with me in the commission for peace. But they had failed in this, for the Mississippi and fishery were now much more secure than if I had been alone; that debates had run very high in Congress; that Mr.

Drayton and Gouverneur Morris had openly espoused their plan, and\* argued against the fishery; that Mr. Laurens and others of the southern gentlemen had been staunch for them, and contended that, as nurseries of seamen and sources of trade, the Southern States were as much interested as the Northern; that debates had run so high that the Eastern States had been obliged to give in their ultimatum in writing and to say that they would withdraw if any more was done; and that this point was so tender and important that if not secured it would be the cause of a breach of the union of the States, and their politics might, for what I knew, be so profound as to mean to lay a foundation for a rupture between the States, when, in a few years, they should think them grown too big. I could see no possible motive they had to wish to negotiate the Mississippi into the hands of Spain, but this: Knowing the fine country in the neighborhood and the rapidity with which it would fill with inhabitants, they might force their way down the Mississippi and occasion another war. They had certainly sense enough to know, too, that we could not and would not be restrained from the fishery; that our people would be constantly pushing for it, and thus plunge themselves into another war in which we should stand in need of France. If the old ministry in England should come in again they would probably join this court in attempting to deprive us, but all would not succeed. We must be firm and steady and should do very well. "Yes," he said, "he believed we shall do very well, and carry the points."

I told him that I could not think that the King and council here had formed any digested plan against us upon these points; I hoped it was only the speculation of individuals. I told him, that if Fox should know that Shelburne refused to agree with us, merely because we would not compensate the Tories, he would attack the minister upon this ground, and pelt him so with Tories as to make him uncomfortable; I thought it would be very well to give Fox a hint. He said he would write him a letter upon it; he had sometimes corresponded with him, and Fox had been in conversation with him here before I arrived.

I walked before dinner to Mr. Jay's, and told him I thought there was danger that the old ministry would come in, or Shelburne unite with North; that the King did not love us, and the old ministry did not love us; but they loved the refugees, and thought, probably, their personal characters concerned to support them; Rayneval was gone to England, and I wanted to have him watched, to see if he was ever in company with North, Germain, Stormont, Hillsborough, Sandwich, Bute or Mansfield; if the wing-clipping system and the support of the Tories should be suggested by this court to any of them, it would fall in with their passions, and opinions, for several of the old ministry had often dropped expressions in the debates in Parliament, that it was the interest of

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\* Note in the margin by the author: "A mistake, as Mr. Jay tells me."



England to prevent our growth to wealth and power; it was very possible that a part of the old ministry might come in, and Richmond, Keppel, Townsend, and Camden go out; and, in this case, though they could not revoke the acknowledgment of our independence, they would certainly go upon the contracted plan of clipping our wings; in this case, it is true, England would be finally the dupe, and it would be the most judicious policy possible against her; it is agreed that if the Whigs go out, and Richmond, Keppel, Townsend, Camden, &c., join Fox and Burke in opposition, there will be great probability of a national commotion and confusion.

Mr. Jay agreed with me in all I had said, and added that six days would produce the King's speech; if that speech should inform Parliament that he had issued a commission to treat with the United States, and the two Houses should thank him for it, it would look as if a good plan was to prevail; but if not, we should then take measures to communicate it far and wide.

I told him I thought, in that case, we should aid opposition as much as we could, by suggesting arguments to those who would transmit them in favor of America, and in favor of those who had the most liberal sentiments toward America, to convince them that the wing-clipping plan was ruinous to England and the most generous and noble part they could act towards America, the only one that could be beneficial to the nation, and to enable them to attack a contracted ministry with every advantage that could be.

I thought it was now a crisis in which good will or ill will towards America would be carried very far in England; a time, perhaps, when the American ministers may have more weight in turning the tide of sentiment, or influencing the changes of administration, than they ever had before, and, perhaps, than they would have again; that I thought it our duty, upon this occasion, to say everything we could to the Englishmen here, in order that just sentiments might prevail in England at this moment; to countenance every man well-disposed, and to disabuse and undeceive everybody; to drive out of countenance and into infamy every narrow thought of cramping, stinting, impoverishing, or enfeebling us; to show that it is their only interest to show themselves our friends, to wear away, if possible, the memory of past unkindnesses, to strive with us now upon our own terms, because, though we had neither power nor inclination to make peace without our allies, yet the very report that we had got over all our difficulties, would naturally make all Europe expect peace, would tend to make Spain less exorbitant in her demands, and would make Holland more ardent for peace, and dispose France to be more serious in her importunities with Spain and Holland, and even render France herself easier, though I did not imagine she would be extravagant in her pretensions; to show them the ruinous tendency of the war if continued another year or two. Where would England be if the war continued two years longer? What the state of

her finances ? What her condition in the East and West Indies, in North America, Ireland, Scotland, and even in England ? What hopes have they of saving themselves from a civil war ? If our terms are not now accepted they will never again have such offers from America ; they will never have so advantageous a line ; never their debts ; never so much for the Tories, and, perhaps, a rigorous demand of compensation for the devastations they have committed.

Mr. Jay agreed with me in sentiment, and, indeed, they are the principles he has uniformly pursued through the whole negotiation before my arrival ; I think they can not be misunderstood or disapproved in Congress. There never was a blunder in politics more egregious than will be committed by the present ministry if they attempt to save the honor of the old ministry and of the Tories. Shelburne may be too weak to combat them ; but the true policy would be to throw all the odium of the war, and all the blame of the dismemberment of the empire, upon the old ministers and the Tories ; to run them down, tarnish them with votes, inveigh against them in speeches and pamphlets, even strip them of the pensions, and make them both ridiculous, insignificant, and contemptible ; in short, make them as wretched as their crimes deserve ; never think of sending them to America. But Shelburne is not strong enough ; the old party, with the King at their head, is too powerful and popular yet. I really pity these people, as little as they deserve it ; for surely no men ever deserved worse of society. If Fox was in, and had weight enough, and should take this decided part, which is consistent enough with the tenor of his speeches, which have been constant philippics against the old ministry, and frequent sallies against the refugees, and should adopt a noble line of conduct towards America, grant her all she asks, do her honor, and promote her prosperity, he would disarm the hostile mind and soften the resentful heart, recover much of the affection of America, much of her commerce, and, perhaps, equal consideration and profit and power from her as ever ; she would have no governor nor armies there, and no taxes ; but she would have profit, reputation, and power.

To-day I received a letter from my excellent friend, Mr. Laurens, 12 November, Loudon, in answer to mine of the 6th, agreeing as speedily as possible to join his colleagues. "Thank God I had a son who dared to die for his country."

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Livingston to Mathews, Governor of South Carolina."

PHILADELPHIA, November 20, 1782.

SIR: I have the honor to transmit the copy of a letter from Count de Vergennes to Dr. Franklin, accompanied with a memorial from Messrs Le Marque and Fabre, on the subject of debts contracted by

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\* MSS. Dep. of State ; 6 Sparks' Dip. Rev. Corr., 201.

Mr. Gillon, as is said, in behalf of the State of South Carolina. I wish, sir, you would enable me to afford such an answer to it as will exculpate the State from any censure which Mr. Gillon may have deservedly incurred. If he was vested with such powers as enabled him to bind the State, they will doubtless have the justice to direct that his engagements be made good, notwithstanding any loss they may incur thereby. If he had no such powers, they will embrace the earliest opportunity of disavowing them.

I shall trouble your Excellency to apprise me of the steps that may be taken in consequence of this information, that I may embrace the earliest opportunity, by placing this matter in its true light, to do that justice to the integrity and good faith of the State which they will undoubtedly merit.

I have the honor to be, sir, &c.,

ROBERT R. LIVINGSTON.

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J. Adams' Journal of Peace Negotiations—Continued.\*

NOVEMBER 21, 1782.

Paid a visit to Mr. Brantzen, and then to the Count de Lynden. Spent two hours with him. He says the King of Sweden has overwhelmed him with his goodness; is perpetually writing to his ministers to compliment and applaud him for the part he has acted in refusing to go to Vienna, and for the reason he gave for it, says the revolution in Sweden was advantageous to France, in point of economy, for France used to pay very dear for partisans in pensions; that Russia, too, used to have a party there and pay pensions; now, by means of the court, France predominates more easily. He said that, on Tuesday, he prayed the introducer of ambassadors to speak to the Prince de Tingry to put him upon the list to go to the comedy with the King, Queen, and royal family, in the little *Salle de Spectacle*; that the King and Queen eyed him the whole evening, and as they came out the introducer told the King that it was the Count de Lynden, a man very zealous for the patriotic system; the King said, "Oui, je sais son affaire." He says that there is no man in the Republic who receives anything from any foreign prince or state; that the law is very strict against it, and obliges every man to take an oath that he has not and will not, and no man dares, he don't believe that the Duke ever did; it would be a blunder in the English to offer it; for he is, by his name and family, enough attached without it. He says that he followed the principles which were given him by his uncle Boetzlær, who was high in favor at court, and in great power through the Republic; that his age and family would be an objection against his going to America, but after affairs shall be a little settled, he expects that his friends will ask him what

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\* 3 J. Adams' Works, 323.

will be agreeable to him; but, if not, he shall take his place in the States-General, and retire to his estate in Zealand.

Ridley and Bancroft came in and spent the evening. Bancroft says that Mr. Oswald don't feel very well; that he thinks of going home; that the King will bring in some of the old Ministers, &c.

22. Made a visit to Dr. Bancroft, and spent an hour or two with him. Mr. Walpole, he says, is a correspondent of Mr. Fox. I told him I wished I could have two hours' time with Fox.

Visited Mr. Mayo, Livingston, Vaughan, Rogers and lady, and Mr. Jay.

Mr. Jay says that Oswald received a courier from London last evening; that his letters were brought in while he was there; that Oswald read one of them, and said that "the Tories stick; that Strachey is coming again, and may be expected to-day." Oswald called upon him this morning, but young Franklin was there; so he said nothing, as he would not speak before him. Jay says we had now to consider whether we should state the question in writing to the Count de Vergennes and ask his answer. I said to him, "We must be more dry and reserved and short with him (Oswald) than we had been." He said, "We must endeavor to discover whether they agree to all other points." I asked what he thought of agreeing to some compensation to the Tories, if this court advised to it. He said they would be very mad if we did. He said that a tract of land, with a pompous preamble, would satisfy the English; but he would call upon Oswald this afternoon and endeavor to know more, and call upon me in the evening.

Bancroft said to-day that Fitzherbert was sensible, but conceited; that the Englishmen who were acquainted with him, however, said he was reserved about the secrets of his negotiation; but he expressed openly his feelings when Rayneval went over to England, as it implied, or seemed to imply, a want of confidence in him; he was displeased that he had dined with him and Mr. Jay at Mr. Oswald's. He said he found that the Englishmen here were prepared with their quibbles about the acknowledgment of American independence; that the enabling act did not empower the King to grant such a commission; it enabled him to make peace with the colonies, and to treat and conclude with any description of men, but not expressly to acknowledged them independent states; so that it might be cast upon the crown or ministry as an illegal act. Lord Camden has given his opinion that the act did not authorize the King to acknowledge the independence of America.

To this it may be answered that the King or crown can not go back; that an act of Parliament only can annul it; the King would make himself ridiculous in the eyes of all men, sovereigns especially, if he should consent to such an act; that a vote of either house of Parliament, declaring the commission illegal and null, would never pass; it would break off all negotiations, alarm America, and raise a rebellion

in England; but the truth is, the crown of England is absolute in war and peace; there is not even a fundamental law, as there is in France, that the King can not alienate the domains of the crown; on the contrary, by the British constitution, the King has power to cede and alienate parts, and, indeed, all his dominions; that is, there is no limitation. Bancroft said there is an act of Parliament that the King shall never alienate Gibraltar; so that Gibraltar can not be ceded to Spain without act of Parliament.

Bancroft said that Mr. Garnier is in Burgundy upon his estate, where he passes the summer, and comes only to Paris in the winter. He said, if the King in his speech should not announce Mr. Oswald's commission, you, gentlemen commissioners, would do well to take some measures for the publication of it in England and abroad.

I said, I wondered that Mr. Fox had not sent over some friend here, during the conferences, to pick up what he could of intelligence; but, upon recollection, I said his friends, Richmond, Keppel, Townsend, Camden, &c., were in the council and cabinet, and, therefore, no doubt informed him of all intelligence and let him into all the secret of affairs.

Dr. Franklin, upon my saying the other day that I fancied he did not exercise so much as he was wont, answered, "Yes, I walk a league every day in my chamber; I walk quick, and for an hour, so that I go a league; I make a point of religion of it." I replied, "That as the commandment, 'thou shalt not kill,' forbids a man to kill himself, as well as his neighbor, it was manifestly a breach of the sixth commandment not to exercise; so that he might easily prove it to be a religious point." Bancroft said to-day that it was often said among French people that M. de Vergennes loved Spain too well, and was too complaisant to the Spanish court; that he was ambitious of being made a grandee of Spain, in order to cover his want of birth, for that he was not nobly born. This, I fancy, is a mistake; but such are the objects which men pursue—titles, ribbons, stars, garters, crosses, keys, are the important springs that move the ambitions of men in high life. How poor, how mean, how low, yet how true! A low ambition indeed! the pride of nobles and of kings!

"Let us, since life can little more supply  
Than just to look about us and to die,  
Expatiate free."

Washington to Vergennes.\*

HEADQUARTERS, NEWBURGH, STATE OF NEW YORK,

*November 21, 1782.*

SIR: After I had the honor of receiving your excellency's letter of the 29th of July, I lost not a moment in transmitting it to Congress, who had then under deliberation the proceedings of the British court martial

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\* 6 Sparks' Dip. Rev. Corr., 101:

upon Captain Lippincot for the murder of Captain Huddy, and the other documents relative to that inhuman transaction. What would otherwise have been the determination of that honorable body I will not undertake to say, but I think I may venture to assure your excellency that your generous interposition had no small degree of weight in procuring that decision in favor of Captain Asgill, which he had no right to expect from the very unsatisfactory measures which had been taken by the British commander-in-chief, to atone for a crime of the blackest dye, not to be justified by the practices of war, and unknown to this day amongst civilized nations. I flatter myself, however, that our enemies have been brought to see this transaction in its true light, and that we shall not experience a repetition of the like enormity.

Captain Asgill has been released, and is at perfect liberty to return to the arms of an affectionate parent, whose pathetic address to your excellency could not fail of interesting every feeling heart in her behalf.

I have no right to assume any particular merit from the lenient manner in which this disagreeable affair has terminated. But I beg you to believe, sir, that I most sincerely rejoice, not only because your humane intentions are gratified, but because the event accords with the wishes of his most Christian majesty and his royal and amiable consort, who, by their benevolence and munificence, have endeared themselves to every true American.

I have the honor to be, with profound respect, sir, &c.,

GEORGE WASHINGTON.

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J. Adams to Livingston.\*

PARIS, *November 21, 1782.*

SIR: We live in critical moments. Parliament is to meet, and the King's speech will be delivered on the 26th. If the speech announces Mr. Oswald's commission, and the two houses, in their answers, thank him for issuing it, and there should be no change in the ministry, the prospect of peace will be flattering. Or, if there should be a change in the ministry, and the Duke of Portland, with Mr. Fox and Mr. Burke, should come in, it will be still more so. But if Richmond, Camden, Keppel, and Townshend should retire, and my Lord North and company come in, with or without the Earl of Shelburne, the appearances of peace will be very unpromising. My Lord North, indeed, cannot revoke the acknowledgment of our independence, and would not probably renounce the negociations for peace, but ill-will to us is so habitual to him and his master, that he would fall in earnestly with the wing-clipping system; join in attempts to deprive us of the fisheries and the Mississippi, and to fasten upon us the Tories, and in every other meas-

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\* MSS. Dep. of State; 3 Sparks' Dip. Rev. Corr., 693, with verbal changes; 8 J. Adams' Works, 14.

ure to cramp, stint, impoverish, and enfeeble us. Shelburne is not so orthodox as he should be, but North is a much greater heretic in American politics.

It deserves much consideration what course we should take in case the old ministry should come in whole or in part. It is certain, at present, that to be obnoxious to the Americans and their ministers is a very formidable popular cry against any minister or candidate for the ministry in England, for the nation is more generally for recovering the good-will of the Americans than they ever have been. Nothing would strike such a blow to any ministry as to break off the negotiations for peace; if the old ministry come in, they will demand terms of us at first, probably, that we can never agree to.

It is now eleven or twelve days since the last result of our conferences were laid before the ministry in London. Mr. Vaughan went off on Sunday noon, the 17th, so that he is no doubt before this time with my Lord Shelburne. He is possessed of an ample budget of arguments to convince his lordship that he ought to give up all the remaining points between us. Mr. Oswald's letters will suggest the same arguments in a different light, and Mr. Strachey, if he is disposed to do it, is able to enlarge upon them all in conversation.

The fundamental point of the sovereignty of the United States being settled in England, the only question now is, whether they shall pursue a contracted or a liberal, a good-natured or an ill-natured plan towards us. If they are generous, and allow us all we ask, it will be the better for them; if stingy, the worst. That France don't wish them to be very noble to us may be true. But we should be dupes, indeed, if we did not make use of every argument with them to show them that it is their interest to be so, and they will be the greatest bubbles of all if they should suffer themselves to be deceived by their passions, or by any arts, to adopt an opposite tenor of conduct.

I have the honor to be, &c.,

JOHN ADAMS.

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Livingston to Franklin."

PHILADELPHIA, November 21, 1782.

SIR: Congress a few days since passed the enclosed resolution, No. 1, by which they have added Mr. Jefferson to the commission for concluding a peace. The established character of this gentleman gives me reason to hope that his appointment will be very acceptable to you and the other gentlemen in the commission. I have not yet learned whether he will take the task upon him, but I have reason to believe he will, the death of his wife having lessened, in the opinion of his friends, the reluctance which he has hitherto manifested to going

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\* MSS. Dep. of State; 2 Sparks' Dip. Rev. Corr., 388, with verbal changes.

abroad. I think it would be proper to make a formal annunciation of this resolution to the court of France. You will naturally give such a representation of Mr. Jefferson's character as will secure to him there that esteem and confidence which he justly merits. The resolution No. 2 needs no comment; or if it does, Mr. Morris will prove the abler commentator. I resign the task to him.

For what end are the show of negotiations kept up by England, when peace upon the only terms she can possibly expect to obtain it is far from her heart? Her ministers, like some ministers of the gospel, who are unwilling to quit the pulpit when they have tired out their hearers, expect to keep the people together by calling out at every period, "now, to conclude," while they continue the same dull tale for want of skill to wind it up. [Here follow 10 lines of cipher.]

By accounts from Jamaica we learn that the British have recovered most of their settlements on the bay. Some attention will, I hope, be paid in the treaty of peace to secure to us the share we formerly had in the logwood trade; it was a valuable remittance to us, and the low price at which we were enabled to sell renders it important to other nations that we should not be excluded from furnishing it as usual. You will find by the enclosed paper that Mr. Burgess, an English merchant, was not permitted to settle at Boston and obtain the rights of citizenship upon principles which must be alarming to England. It shows at the same time the respect that is paid to the resolutions of Congress, notwithstanding all that has been said and written to prove the contrary.

I am, sir, &c.,

ROBERT R. LIVINGSTON.

P.S.—I forgot to mention that I am solicited by Mr. Barlow to transmit to you proposals for printing a work of his, which you will find described in the enclosed proposals, as they are accompanied with a specimen of his poetry, which is as much as I have seen of it. You will judge yourself how far it deserves the patronage he wishes you to give it.

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*La Fayette to Vergennes.\**

PARIS, *November 22, 1782.*

When I quitted America, sir, I was charged with representing her situation in this country and in the critical state to which she is at present reduced. Congress desires me to expose, especially to you, her pecuniary necessities. I have returned in consequence of the leave of absence and instructions given by that Congress; and now that, without their permission, without any specified rank in the French army, I am engaging in operations of which the commencement has no relation to their affairs, I must at least acquit myself of their commissions,

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\* *La Fayette's Memoirs*, 39.



and above all, satisfy my own conscience by expressing the opinions I am now taking the liberty of submitting to your judgment.

The despatches of Congress have arrived, but not those of the Chevalier de la Luzerne. Some mistake may have arisen in the office or on board the American ship, and should those letters be retarded, it would be unfortunate if that circumstance were to occasion hesitation or delay on our side. You must be too well acquainted with American affairs, sir, to require that last despatch to give you any information on the subject. I have, besides, conversed so often with the King's ministers upon the matter, that I am certain he will advise granting the succor which is considered at this moment so very necessary. The papers Mr. Franklin has confided to your inspection must contain, I imagine, sufficient information, and if you fear that they give an exaggerated account, I may add that my private letters, my intimate acquaintance with the country, and the judgment I can form of its actual situation all conspire, sir, to convince me of the necessity of granting that pecuniary succor. When we turn our eyes towards America, sir, it is natural for us to attach ourselves peculiarly to that point of view which is most interesting to a Frenchman; it is in this respect alone that I am now examining the disadvantages and dangers attending English influence.

The Americans are tired of war, but the nation at present loves France and detests England. To grant succor at this moment would be a more useful operation, from its placing a seal on all that has hitherto been done, reawakening courage, and closing completely the mouth of the English emissaries, who are incessantly accusing France of wishing to kindle, without extinguishing, the flame. I do not dwell on these calumnies, sir, and their extreme absurdity must, I trust, prevent their proving injurious; but it may be proper to explain the slight efforts the Americans appear to have made relating to pecuniary matters. There is but little money in the country, and I may safely affirm that the English have left much less there than was at first supposed, and what they have left is entirely with their own party, or has been concealed by the royalists. I may also add that the States, in the present time of confusion, have not been able to take the necessary measures for the imposition and levying of taxes; and that the extent of the country and dispersion of the inhabitants render it extremely difficult to collect these taxes. It may be proper also to observe the difference between the present taxes and those which were some of the original causes of discontent. In short, sir, the Americans may say that their commerce has severely suffered this year. But even supposing that these excuses, although very strong ones, may not be deemed sufficient, it is evident that Congress and all the chiefs of the revolution are deeply interested in that revolution not failing from want of money. No person can doubt but that they would take every means of procuring supplies which would not endanger the revolution itself.

But since they have not been able to procure any, it becomes, sir, I think necessary for our glory and the success of the common cause to make one last and generous effort in favor of the Americans. When we compare the money they have asked for with the advances made to our allies during the last war, and above all the different degree of interest we have in supporting them, the succors now deemed so indispensable would not appear by any means exorbitant.

The army of M. de Rochambeau is quitting America, and if New York should not be evacuated this premature step would seem to require some indemnification. Those troops cost thirteen millions, and will take the place of other troops in the islands where they can not cost so much. To replace the two regiments that were to have been sent the sum of six millions has been granted; in the present case could not the money at least be given which the minister of finance must doubtless have prepared for the annual support of the army? I believe also that if the war should last, if, above all, it should be prolonged by interests which do not regard the Americans and their allies, it will be judged necessary to afford them at least a little aid during the campaign; and ought not that intended succor, joined to the unexpected saving upon the army of M. de Rochambeau, to fulfil nearly all the hopes America appears to have conceived?

The government may perhaps remember that the continent is the only point on which we have enjoyed any great success. The cause of this is evidently that all persons were in our favor and against the enemy. If our forces should fortunately be carried there, we must find an army capable of co-operating with us. No better army than that of the Americans can possibly be found; but if their patience should at length be worn out; if Congress should hesitate between the inconvenience of keeping and the inconvenience of disbanding them; if it should be necessary to take measures to prevent a convulsion instead of conducting an offensive operation, it would not only become impossible to attack the enemy's posts, but it would be even easy for them to dismantle those posts as well as Canada; and that surplus of troops, which they would no longer require would bear instantly upon our islands.

In a political point of view it appears to me still more important to succor the Americans. I do not fear their peace with England, and if we do make war, I am convinced we shall obtain great success, and bind still more closely the ties of friendship, by securing the means of operating against the enemy. I do not wish that this last and urgent request should be rejected. The disposition of America towards us at present is most excellent; my only desire is, that it may continue so; not that she would ever forget the duties imposed by our alliance and her own gratitude. But before I set out, sir, I can not avoid giving my opinion, which I am now doing from the bottom of my heart, and although I do not flatter myself that it will supersede that of the

Chevalier de la Luzerne, I should ever reproach myself if I were not to express to you how necessary I think it is to grant an instantaneous succor.

Accept I beseech you, the assurance, &c.

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**J. Adams' Journal of Peace Negotiations—Continued.\***

*November 23, 1782.*

Mr. Jay called at ten, and went out with me to Passy to meet the Marquis de la Fayette, at the invitation of Dr. Franklin. The Marquis' business was to show us a letter he had written to the Count de Vergennes on the subject of money. This I saw nettled Franklin, as it seemed an attempt to take to himself the merit of obtaining the loan, if one should be procured. He gave us also a letter to us three, for our approbation of his going out with the Count d'Estaing. He recites in it that he had remained here by our advice, as necessary to the negotiations. This nettled both Franklin and Jay. I knew nothing of it, not having been here, and they both denied it. This unlimited ambition will obstruct his rise. He grasps it all—civil, political, and military—and would be thought the *unum necessarium* in everything. He has so much real merit, such family supports, and so much favor at court, that he need not recur to artifice. He said that Count de Vergennes told him, as the Chevalier de la Luzerne's despatches were not arrived, the Count could do nothing in the affair of money without something French to go upon. His letter, therefore, was to supply the something French. He told us that the Count d'Aranda had desired him to tell Mr. Jay, as the lands upon the Mississippi were not yet determined whether they were to belong to England or Spain, he could not yet settle that matter, as that probably the attempt will be to negotiate them into the hands of the Spaniards from the English. D'Aranda, Rayneval, Grantham, &c., may conduct this without Fitzherbert.

Spent part of the evening at Mrs. Izard's. Mr. Oswald sent for Mr. Jay; desired to meet him at either house. Mr. Jay went, and I came off.

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**Livingston to Jay.†**

*PHILADELPHIA, November 23, 1782.*

DEAR SIR: I have before me your letters of the 25th and 28th of June. I congratulate you on your safe arrival at Paris, where I venture to hope your residence will on many accounts be more agreeable than it was at Madrid. Nothing can be more pleasing to us than your

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\* 3 J. Adams' works, 326.

† MSS. Dep. of State; 4 Sparks' Dip. Rev. Corr., 523.

determination to write very frequently, since I am sorry to say that we have not yet been favored with such minute information on many points of importance as we have reason to expect. Both Dr. Franklin and yourself dwell so much in generals in your last letters that had it not been for a private letter of the Marquis to me Congress would have remained ignorant of points which they have thought sufficiently important to make them the foundation of some of those resolutions, which are herewith transmitted to you.

You need be under no apprehensions that commissioners from the court of Great Britain will be allowed to negotiate with Congress; their sentiments on this subject are sufficiently manifested in the resolutions that are sent to you and Dr. Franklin with this. And the case of Mr. Burgess, which you will find in one of the papers of last week, and in my letter to Dr. Franklin,\* afford you some evidence of the extreme caution of particular States on this head.

That in the mass of our people there is a great number who, though resolved on independence, prefer an alliance with England to one with France, must be a mere speculative opinion which can be reduced to no kind of certainty. If we form our judgment from acts of government, we would suppose that no such sentiment prevailed; they all speak a different language. If from the declarations of individuals we must entertain the same opinion, since independence and the alliance with France connect themselves so closely together that we never speak of them separately. The mass of the people here are not so ignorant of the common principles of policy as to prefer an alliance with a nation whose recent pretensions and whose vicinity renders them mutual enemies to that of a prince who has no claims upon them, and no territory in their neighborhood, at least till the principles of his government shall be changed, and he gives evident proofs of the want of justice and moderation. (Here follow twelve lines of cipher.)

I think it unnecessary to repeat to you what I have already written to Dr. Franklin, presuming that you communicate with freedom to each other. Mr. Jefferson will afford, I dare say, a very acceptable aid to your commission; I have not yet learned from him whether he will take the duties upon him.† (Here follow ten lines of cipher.)

Mr. Barlow, a poet of New England, has requested me to transmit you his proposals for printing, by subscription, a poem of which he is the author. I can give no character of the work but what you will get from the specimen enclosed, which is all I have seen of it. The enclosed resolution informs you of Mr. Boudinot's advancement to the presidentship. For other intelligence I refer you to my letter to Dr. Franklin, and the papers that accompany this.

I am, dear sir, &c.,

ROBERT R. LIVINGSTON.

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\* See Livingston to Franklin, November 21, 1782, *supra*.

† Mr. Jefferson did not join the commissioners for peace.

## J. Adams' Journal of Peace Negotiations—Continued.\*

NOVEMBER 25, 1782.

Doctor Franklin, Mr. Jay, and myself, at 11 o'clock, met at Mr. Oswald's lodgings. Mr. Strachey told us he had been to London, and waited personally on every one of the King's cabinet council, and had communicated the last propositions to them. They every one of them unanimously condemned that respecting the Tories, so that that unhappy affair stuck, as he foresaw and foretold it would.

The affair of the fishery too was somewhat altered. They could not admit us to dry on the shores of Nova Scotia, nor to fish within three leagues of the coast, nor within fifteen leagues of the coast of Cape Breton. The boundary they did not approve. They thought it too extended, too vast a country; but they would not make a difficulty. That if these terms were not admitted, the whole affair must be thrown into Parliament, where every man would be for insisting on restitution to the refugees. He talked about excepting a few, by name, or the most obnoxious of the refugees.

I could not help observing, that the ideas respecting the fishery appeared to me to come piping hot from Versailles. I quoted to them the words of our treaty with France, in which the indefinite and exclusive right to the fishery on the western side of Newfoundland was secured against us, according to the true construction of the treaties of Utrecht and Paris. I showed them the 12th and 13th articles of the treaty of Utrecht, by which the French were admitted to fish from Cape Bonavista to Point Riche. I related to them the manner in which the cod and haddock came into the rivers, harbors, creeks, and up to the very wharves, on all the northern coasts of America, in the spring, in the month of April, so that you have nothing to do but step into a boat and bring in a parcel of fish in a few hours. But that in May they began to withdraw. We have a saying in Boston, that "when the blossoms fall, the haddock begin to crawl," *i. e.*, to move into deep water; so that in summer you must go out some distance to fish; at Newfoundland it was the same. The fish in March and April were in shore, in all the creeks, bays, and harbors, *i. e.*, within three leagues of the coasts or shores of Newfoundland and Nova Scotia; that neither French nor English could go from Europe and arrive early enough for the first fare; that our vessels could, being so much nearer—an advantage which God and nature had put into our hands; but this advantage of ours had been an advantage to England; because our fish had been sold in Spain and Portugal for gold and silver, and that gold and silver sent to London for manufactures; that this would be the course again; that France foresaw it, and wished to deprive England of it, by persuading her to deprive us of it; that it would be a master-stroke of policy if she could

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\* MSS. Dep. of State; 3 Sparks' Dip. Rev. Corr., 708, with corrections.

succeed; but England must be completely the dupe before she would succeed.

There were three lights in which it might be viewed. 1st. As a nursery for seamen. 2d. As a source of profit. 3d. As a source of contention. As a nursery of seamen, did England consider us as worse enemies than France? Had she rather France should have the seamen than America? The French marine was nearer and more menacing than ours. As a source of profit, had England rather France should supply the markets of Lisbon and Cadiz with fish, and take the gold and silver, than we? France would never spend any of that money in London. We should spend it all, very nearly. As a source of contention, how could we restrain our fishermen (the boldest men alive) from fishing in prohibited places? How could our men see the French admitted to fish, and themselves excluded by the English? It would then be a cause of disputes, and such seeds France might wish to sow. That I wished for two hours' conversation on the subject with one of the King's council. If I did not convince him he was undesignedly betraying the interest of his sovereign, I was mistaken. Strachey said, perhaps I would put down some observations in writing upon it; I said, with all my heart, provided I had the approbation of my colleagues; but I could do nothing of the kind without submitting it to their judgments; and that whatever I had said or should say upon the subject, however strongly I might express myself, was always to be understood with submission to my colleagues. I showed them Captain Coffin's letter and gave them his character. His words are:

Our fishermen from Boston, Salem, Newbury, Marblehead, Cape Ann, Cape Cod, and Nantucket, have frequently gone out on the fisheries to the Straits of Belleisle, north part of Newfoundland, and the banks adjacent thereto, there to continue the whole season, and have made use of the north part of Newfoundland, the Bradore coast, in the Straits of Belleisle, to cure their fish, which they have taken in and about those coasts. I have known several instances of vessels going there to load in the fall of the year, with the fish taken and cured at these places, for Spain, Portugal, &c. I was once concerned in a voyage of that kind myself, and speak from my own knowledge.

From Cape Sables to the Isle of Sables, and so on to the banks of Newfoundland, are a chain of banks extending all along the coast, and almost adjoining each other, and are those banks where our fishermen go for the first fare, in the early part of the season. Their second fare is on the banks of Newfoundland, where they continue to fish till prevented by the tempestuous and boisterous winds which prevail in the fall of the year on that coast. Their third and last fare is generally made near the coast of Cape Sables, or banks adjoining thereto, where they are not only relieved from those boisterous gales, but have an asylum to fly to in case of emergency, as that coast is lined from the head of Cape Sables to Halifax with most excellent harbors. The sea-cow fishery was, before the present war, carried on to great advantage, particularly from Nantucket and Cape Cod, in and about the river St. Lawrence, at the Island St. Johns and Anticosti, Bay of Chaleurs, and the Magdalen Islands, which were the most noted of all for that fishery. This oil has the preference to all others, except spermaceti.

Mr. Jay desired to know whether Mr. Oswald had now power to conclude and sign with us. Strachey said he had, absolutely. Mr. Jay de-

sired to know if the propositions now delivered us were their ultimatum. Strachey seemed loath to answer, but at last said no. We agreed these were good signs of sincerity. Bancroft came in this evening and said it was reported that a courier had arrived from M. Rayneval, in London, and that after it, the Count de Vergennes told the king that he had the peace in his pocket, that he was now master of the peace.

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**Third Set of Articles.\***

*November 25, 1782.*

The three commissioners, Adams, Franklin, and Jay, met at Mr. Oswald's lodgings at the *Hôtel de Muscovie*, and after some conference Mr. Oswald delivered them the following articles, as fresh proposals of the British ministry, sent by Mr. Strachey, viz :

Articles agreed upon by and between Richard Oswald, the commissioner of his Britannic majesty for treating of peace with the commissioners of the United States of America, in behalf of his said majesty on the one part, and John Adams, Benjamin Franklin, and John Jay, three of the commissioners of the said States, for treating of peace with the commissioner of his said majesty, on their behalf on the other part, to be inserted in, and to constitute the treaty of peace proposed to be concluded between the crown of Great-Britain and the said United States, but which treaty is not to be concluded until the terms of a peace shall be agreed upon between Great Britain and France, and his Britannic majesty shall be ready to conclude such treaty accordingly.

Whereas reciprocal advantages and mutual convenience are found by experience to form the only permanent foundation of peace and friendship between states, it is agreed to form the articles of the proposed treaty on such principles of liberal equity and reciprocity as that partial advantages (those seeds of discord) being excluded, such a beneficial and satisfactory intercourse between the two countries may be established as to promise and secure to both perpetual peace and harmony.

ARTICLE I. His Britannic majesty acknowledges the said United States, viz., New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, to be free, sovereign, and independent states; that he treats with them as such, and for himself, his heirs, and successors, relinquishes all claims to the government, propriety, and territorial rights of the same, and every part thereof; and that all disputes which

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\* MSS. Dep. of State; 5 Sparks' Dip. Rev. Corr., 461.

might arise in future on the subject of the boundaries of the said United States may be prevented, it is hereby agreed and declared that the following are and shall be their boundaries, viz:

ARTICLE II. From the northwest angle of Nova Scotia, viz., that angle which is formed by a line drawn due north from the source of St. Croix River to the highlands, along the said highlands which divide those rivers that empty themselves into the river St. Lawrence from those which fall into the Atlantic Ocean, to the northwesternmost head of Connecticut River, thence down along the middle of that river to the 45th degree of north latitude; from thence by a line due west on said latitude until it strikes the river Iroquois or Cataroquy; thence along the middle of said river into Lake Ontario, through the middle of said lake until it strikes the communication by water between that lake and Lake Erie; thence along the middle of said communication into Lake Erie, through the middle of said lake until it arrives at the water communication between that lake and Lake Huron; thence along the middle of said water communication into Lake Huron; thence through the middle of the said lake to the water communication between that lake and Lake Superior; thence through Lake Superior, northward of the Isles Royal and Philippeaux, to the Long Lake; thence through the middle of said Long Lake, and the water communication between it and the Lake of the Woods, to the said Lake of the Woods; thence through the said lake to the most northwestern point thereof; and from thence on a due western course to the river Mississippi; thence by a line to be drawn along the middle of the said river Mississippi until it shall intersect the northernmost part of the 31st degree of north latitude. South by a line to be drawn due east from the determination of the line last mentioned, in the latitude of 31 degrees north of the equator to the middle of the river Apalachicola, or Catahouchi; thence along the middle thereof to its junction with the Flint River; thence straight to the head of St. Mary's River, and thence down along the middle of St. Mary's River to the Atlantic Ocean. East by a line to be drawn along the middle of the river St. Croix, from its mouth in the Bay of Fundy to its source, and from its source directly north to the aforesaid highlands which divide the rivers that fall into the Atlantic Ocean from those which fall in the river St. Lawrence; comprehending all islands within twenty leagues of any part of the shores of the United States, and lying between lines to be drawn due east from the point where the aforesaid boundaries between Nova Scotia on the one part, and East Florida on the other, shall respectively touch the Bay of Fundy and the Atlantic Ocean; excepting such islands as now are, or heretofore have been, within the limits of the said province of Nova Scotia.

ARTICLE III. The citizens of the said United States shall have the *liberty* of taking fish of every kind on all the banks of Newfoundland, and also in the Gulf of St. Lawrence; and also to dry and cure their fish on the shores of the Isle of Sables and on the shores of any of the



unsettled bays, harbors, and creeks of the Magdalen Islands, in the Gulf of St. Lawrence, so long as such bays, harbors, and creeks shall continue and remain unsettled ; on condition that the citizens of the said United States do not exercise the fishery, but at the distance of three leagues from all the coast belonging to Great Britain, as well those of the continent as those of the islands situated in the Gulf of St. Lawrence. And as to what relates to the fishery on the coast of the Island of Cape Breton out of the said gulf, the citizens of the said United States shall not be permitted to exercise the said fishery, but at the distance of fifteen leagues from the coasts of the Island of Cape Breton.

ARTICLE IV. It is agreed that the British creditors shall meet with no lawful impediment to the recovery of the full value, in sterling money, of such *bona fide* debts as were contracted by any persons who are citizens of the United States before the year 1775.

ARTICLE V. It is agreed that restitution shall be made of all estates, rights, and properties in America which have been confiscated during the war.

ARTICLE VI. There shall be a full and entire amnesty of all acts and offenses which have been, or may be supposed to have been, committed on either side, by reason of the war, and in the course thereof, and no one shall hereafter suffer in life or person, or be deprived of his property, for the part he may have taken therein. All persons in confinement on that account shall immediately, on the ratification of the treaty in America, be set at liberty ; all prosecutions which may be depending in consequence of any of the said offenses shall cease, and no fresh prosecutions shall at any time hereafter be commenced thereupon.

ARTICLE VII. There shall be a firm and perpetual peace between his Britannic Majesty and the said States, and between the subjects of the one and the citizens of the other ; wherefore all hostilities, both by sea and land, shall then immediately cease ; all prisoners on both sides shall be set at liberty, and his Britannic Majesty shall, with all convenient speed and without causing any destruction, withdraw all his armies, garrisons, and fleets from the said United States, and from every port, place, and harbor within the same, leaving in all fortifications the American artillery that may be therein. And shall also order and cause all archives, records, and papers belonging to any of the said States or their citizens, which in the course of the war may have fallen into the hands of his officers, to be forthwith restored and delivered to the proper States and persons to whom they belong.

ARTICLE VIII. The navigation of the Mississippi, from its source to the ocean, shall forever remain free and open to the subjects of Great Britain and citizens of the United States.

SEPARATE ARTICLE. It is hereby understood and agreed that, in case Great Britain, at the end of the present war, shall be, or be put

in, possession of West Florida, the line of north boundary between the said Province and the United States shall be a line drawn from the mouth of the river Yazoo, where it unites with the river Mississippi, due east to the river Apalachicola.

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Jay to Franklin.\*

NOVEMBER 24, 1782.

DEAR SIR: Mr. Oswald expressed his desire to me last evening that we would meet him at any time and place that might be convenient to us. As Mr. Strachey is confined by a swelled face at Mr. Oswald's, I promised the latter to propose to you our meeting there at 11 o'clock to-morrow.

I am, dear sir, sincerely yours, &c.,

JOHN JAY.

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Franklin to Oswald.†

PASSY, November 26, 1782.

SIR: You may well remember that, in the beginning of our conferences, before the other commissioners arrived, on your mentioning to me a retribution for the Royalists, whose estates had been confiscated, I acquainted you that nothing of that kind could be stipulated by us, the confiscation being made by virtue of laws of particular States, which the Congress had no power to contravene or dispense with, and therefore could give us no such authority in our commission. And I gave it as my opinion and advice, honestly and cordially, that if a reconciliation was intended, no mention should be made in our negotiations of those people; for they having done infinite mischief to our properties, by wantonly burning and destroying farm-houses, villages, and towns. If compensation for their losses were insisted on, we should certainly exhibit against it an account of all the ravages they had committed, which would necessarily recall to view scenes of barbarity that must inflame, instead of conciliating, and tend to perpetuate an enmity that we all profess a desire of extinguishing. Understanding, however, from you, that this was a point your ministry had at heart, I wrote concerning it to Congress, and I have lately received the following resolution, viz:

BY THE UNITED STATES, IN CONGRESS ASSEMBLED.

SEPTEMBER 10, 1782.

*Resolved*, That the secretary for foreign affairs be, and he is hereby, directed to obtain, as speedily as possible, authentic returns of the slaves and other property which

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\* Franklin MSS. Dep. of State.

† MSS. Dep. of State; 2 Sparks' Dip. Rev. Corr., 390, with verbal changes; 9 Sparks Franklin, 426; 8 Bigelow's Franklin, 204.

have been carried off or destroyed in the course of the war by the enemy, and to transmit the same to the ministers plenipotentiary for negotiating peace.

*Resolved*, That in the mean time the secretary for foreign affairs inform the said ministers that many thousands of slaves, and other property, to a very great amount, have been carried off or destroyed by the enemy; and that in the opinion of Congress the great loss of property which the citizens of the United States have sustained by the enemy, will be considered by the several States as an insuperable bar to their making restitution or indemnification to the former owner of property, which has been, or may be forfeited to, or confiscated by any of the States.

In consequence of these resolutions and circular letters of the secretary, the assembly of Pennsylvania, then sitting, passed the following act, viz:

STATE OF PENNSYLVANIA, IN GENERAL ASSEMBLY.

WEDNESDAY, *September 18*, 1782.

The bill entitled "An act for procuring an estimate of the damages sustained by the inhabitants of Pennsylvania from the troops and adherents of the King of Great Britain during the present war," was read a second time.

Ordered to be transcribed and printed for public consideration.

Extract from the minutes.

PETER Z. LLOYD,  
*Clerk of the General Assembly.*

Whereas great damages, of the most wanton nature, have been committed by the armies of the King of Great Britain, or their adherents within the territory of the United States of North America, unwarranted by the practice of civilized nations and only to be accounted for from the vindictive spirit of the said King and his officers; and whereas an accurate account and estimate of such damages, more especially the waste and destruction of property, may be very useful to the people of the United States of America in forming a future treaty of peace, and in the mean time, may serve to exhibit in a true light to the nations of Europe the conduct of the said King, his ministers, officers, and adherents; to the end, therefore, that proper measures be taken to ascertain the damages aforesaid, which have been done to the citizens and inhabitants of Pennsylvania in the course of the present war within this State; be it enacted by the House of Representatives of the freemen of the Commonwealth of Pennsylvania, in General Assembly met, and by the authority of the same, that in every county of this State, which has been invaded by the armies, soldiers, or adherents, of the King of Great Britain, the commissioners of every such county shall immediately meet together, each within their county, and issue directions to the assessors of the respective townships, districts, and places within such county, to call upon the inhabitants of every township and place, to furnish accounts and estimates of the damages, waste, spoil, and destruction which have been done and committed as aforesaid, upon the property, real or personal, within the same township or place, since the first day of —, which was in the year of our Lord 177—, and the same accounts and estimates to be transmitted to the commissioners without delay. And if any person or persons shall refuse or neglect to make out such accounts and estimates, the said assessors of the township or place, shall, from their own knowledge, and by any other reasonable and lawful method, take and render such an account and estimate of all damage done or committed as aforesaid; provided always, that all such accounts and estimates to be made out and transmitted as aforesaid shall contain a narrative of the time and circumstances; and if in the power of the person aggrieved, the names of the general, or other officers or adherents of the enemy by whom the damage in any case was done, or under whose orders the army, detachment, party, or persons committing the same acted at that time, and also the name and condition of the person or persons whose property was so damaged or destroyed; and that all such accounts

and estimates be made in current money, upon oath or affirmation of the sufferer, or of others having knowledge concerning the same; and that in every case it be set forth whether the party injured hath received any satisfaction for his loss, and by whom the same was given.

And be it further enacted by the authority aforesaid, that the said commissioners, having obtained the said accounts and estimates from the assessor of the several townships and places, shall proceed to inspect and register the same in a book to be provided for that purpose, distinguishing the districts and townships, and entering those of each place together; and if any account and estimate be imperfect, or not sufficiently verified and established, the said commissioners shall have power, and they, or any two of them, are hereby authorised to summon and compel any person whose evidence they shall think necessary to appear before them at a day and place appointed, to be summoned upon oath or affirmation, concerning any damage or injury as aforesaid; and the said commissioners shall, upon the call and demand of the President or Vice-President of the Supreme Executive Council, deliver, or send to the Secretary of the said Council, all or any of the original accounts and estimates aforesaid, and shall also deliver or send to the said Secretary copies of the book aforesaid, or any part or parts thereof upon reasonable notice.

And be it further enacted by the authority aforesaid, that all loss of negro or mulatto slaves and servants, who have been deluded and carried away by the enemies of the United States, and who have not been recovered or recompensed, shall be comprehended within the accounts and estimates aforesaid; and that the commissioners and assessors of any county which had not been invaded as aforesaid shall nevertheless inquire after and procure accounts and estimates of any damages suffered by the loss of such servants and slaves, as is hereinbefore directed as to other property.

And be it further enacted by the authority aforesaid, that the charges and expenses of executing this act as to the pay of the said commissioners and assessors shall be as in other cases; and that witnesses shall be rewarded for their loss of time and trouble as witnesses summoned to appear in the courts of Quarter Sessions of the Peace; and the said charges and expenses shall be defrayed by the commonwealth, but paid, in the first instance, out of the hands of the treasurer of the county, for county rates and levies upon orders drawn by the commissioners of the proper county.

We have not yet had time to hear what has been done by the other assemblies, but I have no doubt that similar acts will be made use of by all of them, and that the mass of evidence produced by the execution of those acts, not only of the enormities committed by those people, under the direction of the British generals, but of those committed by the British troops themselves, will form a record that must render the British name odious in America to the latest generations. In that authentic record will be found the burning of the fine towns of Charlestown, near Boston; of Falmouth, just before winter, when the sick, the aged, the women and children, were driven to seek shelter where they could hardly find it; of Norfolk, in the midst of winter; of New London, of Fairfield, of Esopus, &c., besides near a hundred and fifty miles of well-settled country laid waste; every house and barn burnt, and many hundreds of farmers, with their wives and children, butchered and scalped.

The present British ministers, when they reflect a little, will certainly be too equitable to suppose that their nation has a right to make an unjust war (which they have always allowed this against us to be), and do all sorts of unnecessary mischief, unjustifiable by the practice of

any civilized people, while those they make war with are to suffer without claiming any satisfaction ; but that if Britons, or their adherents, are in return deprived of any property it is to be restored to them, or they are to be indemnified. The British troops can never excuse their barbarities. They were unprovoked. The loyalists may say, in excuse of theirs, that they were exasperated by the loss of their estates, and it was revenge. They have, then, had their revenge. *Is it right they should have both ?*

Some of those people may have merit in their regard for Britain, those who espoused her cause from affection ; these it may become you to reward. But there are many of them who were waverers, and were only determined to engage in it by some occasional circumstance or appearances ; these have not much of either merit or demerit. And there are others, who have abundance of demerit respecting your country, having by their falsehoods and misrepresentations brought on and encouraged the continuance of the war ; these, instead of being recompensed, should be punished.

It is usual among Christian people at war to profess always a desire of peace ; but if the ministers of one of the parties choose to insist particularly on a certain article, which they have known the others are not and can not be empowered to agree to, what credit can they expect should be given to such professions ?

Your ministers require that we should receive again into our bosom those who have been our bitterest enemies, and restore their properties who have destroyed ours ; and this while the wounds they have given us are still bleeding ! It is many years since your nation expelled the Stuarts and their adherents and confiscated their estates. Much of your resentment against them may by this time be abated, yet, if we should propose it, and insist on it as an article of our treaty with you, that that family should be recalled and the forfeited estates of its friends restored, would you think us serious in our professions of earnestly desiring peace ?

I must repeat my opinion that it is best for you to drop all mention of the refugees. We have proposed, indeed, nothing but what we think best for you as well as ourselves. But if you will have them mentioned, let it be in an article in which you may provide that they shall exhibit accounts of their losses to the commissioners, hereafter to be appointed, who should examine the same, together with the accounts now preparing in America of the damages done by them, and state the account, and that if a balance appears in their favor it shall be paid by us to you and by you divided among them as you shall think proper. And if the balance is found due to us, it shall be paid by you.

Give me leave, however, to advise you to prevent the necessity of so dreadful a discussion by dropping the article, that we may write to America and stop the inquiry.

I have the honor to be, &c.,

B. FRANKLIN.

## Livingston to Luxerne.\*

OFFICE OF FOREIGN AFFAIRS, *November 26, 1782.*

SIR: I have the honor to inform you that Congress were pleased on the 12th instant, to pass the enclosed resolution by which they renew their appointment of Mr. Jefferson as minister plenipotentiary for negotiating a peace.

Mr. Jefferson's established character, his abilities, and the honorable offices he has sustained with reputation in this country, leave no room to doubt that this appointment will be highly acceptable to your court when you shall have placed them in that favorable point of view in which, I persuade myself, you take a pleasure in representing them.

I have the honor to be, &c.,

ROBERT R. LIVINGSTON.

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Jefferson to Livingston.†
CHESTERFIELD, *November 26, 1782.*

SIR: I received yesterday the letter with which you have been pleased to honor me, enclosing the resolution of Congress of the 12th instant, renewing my appointment as one of their ministers plenipotentiary for negotiating a peace, and beg leave through you to return my sincere thanks to that august body for the confidence they are pleased to repose in me and to tender the same to yourself for the obliging manner in which you have notified it.

I will employ in this arduous charge, with diligence and integrity, the best of my poor talents which I am conscious are far short of what it requires. This I hope will ensure to me from Congress a kind construction of all my transactions, and it gives me no small pleasure that my communications will pass through the hands of a gentleman with whom I have acted in the earlier stages of this contest and whose discernment and candor I had the good fortune then to approve and esteem.

Your letter finds me at a distance from home attending on my family under inoculation. This will add to the delay which the arrangement of my particular affairs would necessarily occasion. I shall lose no moment, however, in preparing for my departure and shall hope to pay my respects to Congress and to yourself some time between the 20th and the last of December.

I have the honor to be, &c.,

THOMAS JEFFERSON.

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\* MSS. Dep. of State; 6 Sparks' Dip. Rev. Corr., 102.

† MSS. Dep. of State; 6 Sparks' Dip. Rev. Corr., 202.

Livingston to Barclay.\*

PHILADELPHIA, *November 26, 1782.*

SIR: I have the pleasure of transmitting a resolution of Congress, by which you are appointed a commissioner for adjusting their accounts in Europe. I flatter myself that this fresh mark of their confidence in you will be highly acceptable, and that you will take the earliest opportunity to enter upon the task assigned you, since not only the interest but the honor of the United States has greatly suffered by the delay which this necessary business has heretofore experienced.

I am, dear sir, &c.,

ROBERT R. LIVINGSTON.

J. Adams' Journal of Peace Negotiations—Continued.†

NOVEMBER 26, 1782.

Breakfasted at Mr. Jay's with Dr. Franklin, in consultation upon the propositions made to us yesterday by Mr. Oswald. We agreed unanimously to answer him that we could not consent to the article respecting the refugees as it now stands. Dr. Franklin read a letter which he had prepared to Mr. Oswald upon the subject of the Tories, which we had agreed with him that he should read as containing his private sentiments. We had a vast deal of conversation upon the subject. My colleagues opened themselves and made many observations concerning the conduct, crimes, and demerits of those people. Before dinner Mr. Fitzherbert came in, whom I had never seen before, a gentleman of about thirty-three; seems pretty discreet and judicious, and did not discover those airs of vanity which are imputed to him. He came in consequence of the desire I expressed yesterday of knowing the state of the negotiation between him and the Count de Vergennes respecting the fishery. He told us that the Count was for fixing the boundaries where each nation should fish; he must confess he thought the idea plausible for that there had been great dissensions among the fishermen of the two nations; that the French marine office had an apartment full of complaints and representations of disputes; that the French pretended that Cape Ray was the Point Riche.

I asked him if the French demanded of him an exclusive right to fish and dry between Cape Bonavista and the Point Riche. He said they had not expressly, and he intended to follow the words of the treaty of Utrecht and Paris, without stirring the point. I showed him an extract of a letter from the Earl of Egremont to the Duke of Bedford, March 1, 1763, in which it is said that by the 13th article of the treaty of Utrecht a liberty was left to the French to fish and to dry their fish on shore, and for that purpose to erect the necessary stages and build-

\* MSS. Dep. of State; 6 Sparks' Dip. Rev. Corr., 202.

† 3 Sparks' Dip. Rev. Corr., 711.

ings, but with an express stipulation "*de ne pas séjourner dans la dite Isle, au delà du dit tems nécessaire pour pêcher et sécher les poissons.*" That it is a received law among the fishermen, that whoever arrives first shall have his choice of the stations; that the Duc de Nivernois insisted that by the treaty of Utrecht the French had an exclusive right to the fishery from Cape Bonavista to Point Riche; that the King gave to his Grace the Duke of Bedford express instructions to come to an éclaircissement upon the point with the French ministry, and to refuse the exclusive construction of the treaty of Utrecht. I also showed him a letter from Sir Stamier Porteen, Lord Weymouth's secretary, to Lord Weymouth, enclosing an extract of Lord Egremont's letter to the Duke of Bedford, by which it appears that the Duc de Nivernois insisted "that the French had an exclusive right to the fishery from Cape Bonavista to Point Riche, and that they had, on ceding the Island of Newfoundland to Great Britain by the thirteenth article of the treaty of Utrecht, expressly reserved to themselves such an exclusive right, which they had constantly been in possession of till they were entirely driven from North America in the last war."

For these papers I am obliged to Mr. Izard. Mr. Fitzherbert said it was the same thing now, word for word, but he should endeavor to have the treaty conformable to those of Utrecht and Paris. But he said we had given it up by admitting the word "*exclusive*" into our treaty. I said perhaps not, for the whole was to be conformable to the true construction of the treaties of Utrecht and Paris, and that if the English did not now admit the exclusive construction, they could not contend for it against us. We had only contracted not to disturb them, &c. I said it was the opinion of all the fishermen in America that England could not prevent our catching a fish without preventing themselves from getting a dollar; that the first fare was our only advantage; that neither the English nor French could have it; it must be lost if we had it not. He said he did not think much of the fishery as a source of profit, but as a nursery of seamen. I told him the English could not catch a fish the more or make a sailor the more for restraining us; even the French would rival them in the markets of Spain and Portugal. It was our fish they ought to call their own, because we should spend the profit with them; that the Southern States had staple commodities, but New England had no other remittances than the fishery, no other way to pay for their clothing; that it entered into our distilleries and West India trade, as well as our European trade, in such a manner that it could not be taken out or diminished without tearing and rending; that if it should be left to its natural course we could hire or purchase spots of ground on which to erect stages and building, but if we were straitened by treaty that treaty would be given in instructions to governors and commodores, whose duty it would be to execute it; that it would be very difficult to restrain our fishermen, they would be frequently transgressing and making disputes and troubles.



He said his principal object was to avoid sowing seeds of future wars. I said it was equally my object, and that I was persuaded that if the germ of a war was left anywhere there was the greatest danger of its being left in the article respecting the fishery. The rest of the day was spent in endless discussions about the Tories. Dr. Franklin is very staunch against them, more decided a great deal on this point than Mr. Jay or myself.

*November 27.*

Mr. Benjamin Vaughan came in, returned from London, where he had seen Lord Shelburne. He says he finds the ministry much embarrassed with the Tories, and exceedingly desirous of saving their honor and reputation in this point; that it is reputation more than money, &c. Dined with Mr. Jay and spent some time before dinner with him and Dr. Franklin, and all the afternoon with them and Mr. Oswald, endeavoring to come together concerning the fisheries and the Tories.

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Morris to the Governor of Cuba.\*

PHILADELPHIA, *November 27, 1782.*

SIR: I do myself the honor to present to you Mr. JOHN BROWN, of this city, whom I have charged on the part of the United States with the negociation of bills at your port to the amount of two hundred thousand dollars. These bills will be drawn on Messrs. J. L. & L. Le Couteulx & Co., at Cadiz. I have already taken the proper measures for placing in their hands the necessary funds. I presume that the actual state of things will render it as convenient (either to your excellency, on the part of the King, or to the merchants) to purchase bills as it will be to the United States to sell them. The risk which attends sending of money to Europe will, probably, have raised the exchange so considerably as to compensate the risk of bringing it hither. This, I confess, is the principal reason with me for adopting this measure.

I shall highly esteem any favorable assistance which your excellency may be pleased to afford Mr. Brown on this occasion, and I persuade myself that the intimate connexion of interests between his Catholic majesty and my sovereign during the continuance of hostilities against the common enemy will be a strong inducement with you to promote the service of the United States.

With sentiments of the most perfect esteem, &c.,

ROBERT MORRIS.

## Livingston to Franklin.\*

PHILADELPHIA, *November 27, 1782.*

SIR: An opportunity offering from this port to write directly to you, I do not choose to hazard anything by the post, which carries this to Boston, particularly as I did not hear till just now that a frigate was to sail from thence, and it is uncertain whether this will arrive in time to go by her. This, then, only accompanies the newspapers which contain all the public information now in circulation.

The memorials of Messrs. La Marque and Fabru are transmitted to South Carolina, as it is a matter in which the United States are not concerned. It is to be hoped that the State will do justice to the claimants, if, as asserted, Gillon acted under authority from them. He has just left this with his ship, not in the most honorable manner, having, as I am informed, been arrested by order of the proprietor of the ship for his proportion of the prize money. The sheriff stands in the gap.

The Swiss officer mentioned in yours, I have sent to Edenton to get information about. You shall have the result of inquiries in my next.

As your grandson will probably choose to continue in the line he is in, I can not but think he might find important advantages from opening a correspondence with this office. His diligence and accuracy in collecting and transmitting intelligence would procure him friends here. My attachment to you will render me desirous to place them in the best light.

I am, sir, &c.,

ROBERT R. LIVINGSTON.

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*J. Adams' Journal of Peace Negotiations—Continued.†*

NOVEMBER 28, 1782.

This morning I have drawn up the following project :

ARTICLE III. "That the subjects of his Britannic majesty, and the people of the said United States, shall continue to enjoy, unmolested, the right to take fish of every kind, on the Grand Bank, and on all the other banks of Newfoundland; also in the Gulf of St. Lawrence, and in all other places, where the inhabitants of both countries used at any time heretofore to fish; and the citizens of the said United States shall have liberty to cure and dry their fish on the shores of Cape Sables, and of any of the unsettled bays, harbors, or creeks of Nova Scotia, or any of the shores of the Magdalen Islands, and of the Labrador coast. And they shall be permitted, in time of peace, to hire pieces of land, for terms of years, of the legal proprietors, in any of the dominions of his said majesty, whereon to erect the necessary stages and buildings, and to cure and dry their fish."

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\*MSS. Dep. of State; 2 Sparks' Dip. Rev. Corr., 395.

† 3 Sparks' Dip. Rev. Corr. 713.

November 29.

Met Mr. Fitzherbert, Mr. Oswald, Mr. Franklin, Mr. Jay, Mr. Laurens, and Mr. Strachey, at Mr. Jay's, *Hôtel d'Orléans*, and spent the whole day in discussions about the fishery and the Tories. I proposed a new article concerning the fishery; it was discussed and turned in every light, and multitudes of amendments proposed on each side, and, at last, the article drawn as it was finally agreed to. The other English gentlemen being withdrawn upon some occasion, I asked Mr. Oswald if he could not consent to leave out the limitation of three leagues from all their shores, and the fifteen from those of Louisbourg.

He said, in his own opinion, he was for it; but his instructions were such that he could not do it. I perceived by this, and by several incidents and little circumstances before, which I had remarked to my colleagues, who were much of the same opinion, that Mr. Oswald had an instruction not to settle the articles of the fishery and refugees without the concurrence of Mr. Fitzherbert and Mr. Strachey.

Upon the return of the other gentlemen, Mr. Strachey proposed to leave out the word *right* of fishing, and make it *liberty*. Mr. Fitzherbert said the word *right* was an obnoxious expression. Upon this I rose up and said, gentlemen, is there or can there be a clearer right? In former treaties, that of Utrecht, and that of Paris, France, and England have claimed the right, and used the word. When God Almighty made the Banks of Newfoundland at three hundred leagues distance from the people of America, and at six hundred leagues distance from those of France and England, did He not give as good a right to the former as to the latter? If Heaven, in the creation, gave a right, it is ours at least as much as yours. If occupation, use, and possession give a right, we have it as clearly as you. If war and blood and treasure give a right, ours is as good as yours.

We have been constantly fighting in Canada, Cape Breton, and Nova Scotia, for the defence of this fishery, and have expended beyond all proportion more than you; if then the right can not be denied, why should it not be acknowledged, and put out of dispute? Why should we leave room for illiterate fishermen to wrangle and chicanery?

Mr. Fitzherbert said, the argument is in your favor. I must confess your reasons appear to be good; but as Mr. Oswald's instructions were such that he did not see how he could agree with us; and, for my part, I have not the honor and felicity to be a man of that weight and authority in my country that you, gentlemen, are in yours (this was very genteelly said); I have the accidental advantage of a little favor with the present minister, but I can not depend upon the influence of my own opinion, to reconcile a measure to my countrymen. We can consider ourselves as little more than pawns in the hands of Government at home, and Mr. Oswald's instructions are so particular.

I replied to this: The time is not so pressing upon us but that we can wait till a courier goes to London with your representations upon

this subject, and others that remain between us, and I think the ministers must be convinced.

Mr. Fitzherbert said, to send again to London, and have all laid loose before Parliament, was so uncertain a measure it was going to sea again.

Upon this, Dr. Franklin said, that if another messenger was to be sent to London he ought to carry something more respecting a compensation to sufferers in America.

He produced a paper from his pocket, in which he had drawn up a claim, and he said the first principle of the treaty was equality and reciprocity. Now, they demanded of us payment of debts, and restitution, or compensation to the refugees. If a draper had sold a piece of cloth to a man upon credit, and then sent a servant to take it from him by force, and after bring his action for the debt, would any court of law or equity give him his demand, without obliging him to restore the cloth ? Then he stated the carrying off of goods from Boston, Philadelphia, and the Carolinas, Georgia, Virginia, &c., and the burning of the towns, &c., and desired that this might be sent with the rest.

Upon this, I recounted the history of General Gage's agreement with the inhabitants of Boston, that they should remove with their effects, upon condition that they would surrender their arms ; but as soon as the arms were secured, the goods were forbid to be carried out, and were finally carried off in large quantities to Halifax. Dr. Franklin mentioned the case of Philadelphia, and the carrying off of effects there, even his own library. Mr. Jay mentioned several other things, and Mr. Laurens added the plunders in Carolina, of negroes, plate, &c.

After hearing all this Mr. Fitzherbert, Mr. Oswald, and Mr. Strachey retired for some time, and returning, Mr. Fitzherbert said that, upon consulting together and weighing every thing as maturely as possible, Mr. Strachey and himself had determined to advise Mr. Oswald to strike with us, according to the terms we had proposed as our ultimatum, respecting the fishery and the loyalists. Accordingly we all sat down, and read over the whole treaty and corrected it, and agreed to meet to-morrow at Mr. Oswald's house to sign and seal the treaties, which the secretaries were to copy fair in the mean time.

I forgot to mention that when we were upon the fishery, and Mr. Strachey and Mr. Fitzherbert were urging us to leave out the word *right*, and substitute *liberty*, I told them at last, in answer to their proposal to agree upon all other articles, and leave that of the fishery to be adjusted at the definitive treaty, I said I never could put my hand to any articles without satisfaction about the fishery ; that Congress had, three or four years ago, when they did me the honor to give me a commission to make a treaty of commerce with Great Britain, given me a positive instruction not to make any such treaty without an article in the treaty of peace acknowledging our right to the fishery ; that I was happy Mr. Laurens was now present, who, I believed, was in

Congress at the time and must remember it. Mr. Laurens upon this said, with great firmness, that he was in the same case and could never give his voice for any articles without this. Mr. Jay spoke up, and said it could not be a peace; it would only be an insidious truce without it.

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Livingston to Carmichael.\*

PHILADELPHIA, *November 28, 1782.*

SIR: I have been favored with your letter of the 8th of July; those you mention to have written on the 5th and 12th of March and the 2d of July never reached me. I regret that you had no directions from Mr. Jay to open his letters, as those you forwarded contained much information that might have been useful to you, on which account I was less particular than I should otherwise have been in mine to you.

The great business of the negotiation being transferred to Paris, you will have more leisure to attend to the general politics of the court you are at, and to procure every species of intelligence which may serve to regulate our conduct here. We have yet had no information, except what you mention, of any new proffer of their mediation by the Imperial courts; it is an important object, and I wish you to throw all the light you possibly can upon it, as we are particularly anxious to know the substance of the answer which you suppose to have been given to it by Spain. You need never be under the least apprehensions in vouching boldly for this country that it will make no peace which is inconsistent with its engagement to its allies. Perhaps this string skilfully touched may lead nations who have hitherto kept aloof to form connexions which may bind us to them.

The enclosed resolutions will show you the sense of Congress on that subject; and the resolutions which you will see in some of the papers sent you, expressive of the same sentiments from almost every separate legislature, will show that the fidelity of this country is incorruptible.

The season of the year affords no military intelligence. Our troops are in quarters at West Point. The French army are waiting at Providence such orders as the operations in the West Indies may suggest. Their fleet is still at Boston. The *America*, built at Portsmouth, is added to them. She is pronounced by connoisseurs to be a very fine ship. Should she answer their expectations, we may hope to build others for European powers. This would be a very important commercial object, and as such deserves attention.

General Carleton has restrained the savages from continuing the war which they have so long carried on against our frontiers; and Haldiman has suffered those they had led into captivity to return on parole, so that we have reason to hope that a little more humanity will mark their

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\* MSS. Dep. of State; 5 Sparks' Dip. Rev. Corr., 105, with verbal changes.

future operations in this country, if ever they should find themselves sufficiently strong to venture from behind their ramparts. This consideration, together with the intercession of the court of France, has induced Congress to forego their intended retaliation on Captain Asgill, who is discharged from his confinement, and suffered to go to New York on parole.

You will find in the enclosed papers all the intelligence we have with respect to the proposed evacuation of Charleston. We have been in daily expectation of hearing that it was abandoned for a long time past, but have not as yet had our expectations answered.

The enclosed resolution will inform you that Mr. Boudinot is president in the room of Mr. Hanson. Congress have again appointed Mr. Jefferson one of their ministers for making peace. I have not yet been informed whether he accepts the appointment, though I have some reason to conclude he will.

Mr. Stewart going to Paris affords me a safe opportunity of sending a cipher there for you; and if Mr. Jay can contrive to get it to you without inspection, you will be enabled to correspond with more latitude in future.

I am, sir, &c.,

ROBERT R. LIVINGSTON.

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Adams, Franklin, and Jay to La Fayette.\*

PARIS, *November 28, 1782.*

SIR: We have received the letter you did us the honor to write on the 25th instant.

Our country has had early and repeated proofs both of your readiness and abilities to do her service. The prospect of an inactive campaign in America induced us to adopt the opinion that you might be more useful here than there, especially in case the negotiation for peace on the part of France in England should be committed to your management; for your knowledge of our affairs and attachment to our interest might have been very advantageous to us on such an occasion. But as an opportunity now offers of your being instrumental in producing a co-operation which would, probably, put a glorious and speedy termination to the war in America, we, for our part, perfectly approve of your going with Count d'Estaing in the manner proposed.

We have the honor to be, &c., &c.,

JOHN ADAMS.  
B. FRANKLIN.  
JOHN JAY.

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\* MSS. Dep. of State; 5 Sparks' Dip. Rev. Corr., 466.

Luzerne to Livingston.\*

[Translation.]

PHILADELPHIA, *November 29, 1782.*

SIR: I have received the letter in which you inform me of the renewal of Mr. Jefferson's commission, and the resolution of Congress which accompanied it. I was sorry to see that minister decline taking part in the negociation for peace, and I learn with great pleasure that he is making arrangements for joining the other ministers to whom Congress has entrusted it. The ability of Mr. Jefferson and the important services which he has rendered to the United States are very well known in Europe, and you may be assured, sir, that all who are interested in the prosperity and welfare of this country will approve of the choice made by Congress.

I have the honor to be, &c.,

LUZERNE.

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Franklin to Vergennes.†

PASSY, *November 29, 1782.*

SIR: I have the honor to acquaint your excellency that the commissioners of the United States have agreed with Mr. Oswald on the preliminary articles of the peace between those States and Great Britain. To-morrow I hope we shall be able to communicate to your excellency a copy of them.

With great respect I have the honor to be, sir, your excellency's most obedient and most humble servant,

B. FRANKLIN.

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J. Adams' Journal of Peace Negotiations—Continued.‡

*November 30, 1782.*

We met first at Mr. Jay's, then at Mr. Oswald's; examined and compared the treaties. Mr. Strachey had left out the limitation of time, the twelve months, that the refugees were allowed to reside in America, in order to recover their estates, if they could. Dr. Franklin said this was a surprise upon us. Mr. Jay said so too. We never had consented to leave it out, and they insisted upon putting it in, which was done. \* \* \*

Mr. Laurens said there ought to be a stipulation that the British troops should carry off no negroes or other American property. We all agreed. Mr. Oswald consented.

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\* 6 Sparks' Dip. Rev. Corr., 102.

† 2 Sparks' Dip. Rev. Corr., 396; 9 Sparks' Franklin, 435; 8 Bigelow's Franklin, 213.

‡ 3 Sparks Dip. Rev. Corr., 716.

Then the treaties were signed, sealed, and delivered, and we all went out to Passy to dine with Dr. Franklin. Thus far has proceeded this great affair. The unravelling of the plot has been to me the most affecting and astonishing part of the whole piece.

As soon as I arrived in Paris I waited on Mr. Jay, and learned from him the rise and progress of the negociations. Nothing that has happened since the beginning of the controversy in 1761 has ever struck me more forcibly, or affected me more intimately, than that entire coincidence of principles and opinions between him and me. In about three days I went out to Passy, and spent the evening with Dr. Franklin, and entered largely into conversation with him upon the course and present state of our foreign affairs. I told him, without reserve, my opinion of the policy of this court, and of the principles, wisdom, and firmness with which Mr. Jay had conducted the negotiation in his sickness and my absence, and that I was determined to support Mr. Jay to the utmost of my power in the pursuit of the same system. The Doctor heard me patiently, but said nothing.

The first conference we had afterwards with Mr. Oswald, in considering one point and another, Dr. Franklin turned to Mr. Jay and said: "I am of your opinion, and will go on with these gentlemen in the business without consulting this court." He accordingly met with us in most of our conferences, and has gone with us in entire harmony and unanimity throughout, and has been able and useful, both by his sagacity and his reputation, in the whole negotiation.

I was very happy that Mr. Laurens came in, although it was the last day of the conferences, and wish he could have been sooner. His apprehension, notwithstanding his deplorable affliction under the recent loss of so excellent a son, is as quick, his judgment as sound, and his heart as firm as ever. He had an opportunity of examining the whole, and judging and approving; and the article which he caused to be inserted at the very last, that no property should be carried off—which would most probably, in the multiplicity and hurry of affairs, have escaped us—was worth a longer journey, if that had been all. But his name and weight is added, which is of much greater consequence. These miserable minutes may help me to recollect, but I have not found time, amidst the hurry of business and crowd of visits, to make a detail.

I should have before noted that, at our first conference about the fishery, I related the facts as well as I understood them; but knowing nothing myself but as a hearsay witness, I found it had not the weight of ocular testimony; to supply which defect I asked Dr. Franklin if Mr. Williams, of Nantes, could not give us light. He said Mr. Williams was on the road to Paris, and as soon as he arrived he would ask him. In a few days Mr. Williams called on me, and said Dr. Franklin had, as I desired him, inquired of him about the fishery, but he was not able to speak particularly upon that subject; but there was at Nantes



a gentleman of Marblehead, Mr. Samuel White, son-in-law to Mr. Hooper, who was master of the subject, and to him he would write.

Mr. Jeremiah Allen, a merchant of Boston, called on me about the same time. I inquired of him. He was able only to give such an hearsay account as I could give myself; but I desired him to write to Mr. White, at Nantes, which he undertook to do, and did. Mr. White answered Mr. Allen's letter by referring him to his answer to Mr. Williams, which Mr. Williams received and delivered to Dr. Franklin, who communicated it to us, and it contained a good account.

I desired Mr. Thaxter to write to Messrs. Ingraham and Bromfield, and Mr. Storer to write to Captain Coffin, at Amsterdam. They delivered me the answers; both contained information, but Coffin's was the most particular and of the most importance, as he spoke as a witness. We made the best use of these letters with the English gentlemen, and they appeared to have a good deal of weight with them.

From first to last I ever insisted upon it with the English gentlemen that the fisheries and the Mississippi, if America was not satisfied in those points, would be the sure and certain sources of a future war, showed them the indispensable necessity of both to our affairs, and that no treaty we could make which should be unsatisfactory to our people on those points could be observed; that the population near the Mississippi would be so rapid, and the necessities of the people for its navigation so pressing, that nothing could restrain them from going down, and if the force of arms should be necessary, it would not be wanting; that the fishery entered into our distilleries, our coasting trade, our trade with the southern States, with the West India islands, with the coast of Africa, and with every part of Europe in such a manner, and especially with England, that it could not be taken from us, or granted us stingily, without tearing and rending; that the other states had staples, we had none but fish, no other means of remittances to London, or paying those very debts they had insisted upon so seriously; that if we were forced off, at three leagues distance, we should smuggle eternally, that their men-of-war might have the glory of sinking now and then a fishing schooner, but this would not prevent a repetition of the crime, it would only inflame, and irritate, and enkindle a new war, that in seven years we should break through all restraints and conquer from them the Island of Newfoundland itself, and Nova Scotia too.

Mr. Fitzherbert always smiled, and said it was very extraordinary that the British ministry and we should see it in so different a light. That they meant the restriction in order to prevent disputes, and kill the seeds of war, and we should think it so certain a source of disputes, and so strong a seed of war; but that our reasons were such that he thought the probability of our side.

I have not time to minnte the conversation about the sea-cow fishery, the whale fishery, the Magdalen Island, the Labrador coasts, and the

coasts of Nova Scotia. It is sufficient to say, they were explained to the utmost of our knowledge and finally conceded.

I should have noted before the various deliberations between the English gentlemen and us, relative to the words "indefinite and exclusive" right, which the Count de Vergennes and M. Gerard had the precaution to insert in our treaty with France. I observed often to the English gentlemen, that, aiming at excluding us from fishing upon the north side of Newfoundland, it was natural for them to wish that the English would exclude us from the south side. This would be making both alike, and take away an odious distinction. French statesmen must see the tendency of our fishermen being treated kindly and hospitably, like friends by the English on their side of the island, and unkindly, inhospitably, and like enemies on the French side. I added, further, that it was my opinion, neither our treaty with the French nor any treaty or clause to the same purpose which the English could make, would be punctually observed. Fishermen, both from England and America, would smuggle, especially the Americans in the early part of the spring, before the Europeans could arrive. This, therefore, must be connived by the French, or odious measures must be resorted to by them or us to suppress it, and in either case it was easy to see what would be the effect upon the American mind. They, no doubt, therefore, wished the English to put themselves upon as odious a footing at least as they had done.

Dr. Franklin said that there was great weight in this observation, and the Englishmen showed plainly enough that they felt it.

I have not attempted in these notes to do justice to the arguments of my colleagues, all of whom were throughout the whole business, when they attended, very attentive and very able, especially Mr. Jay, to whom the French, if they knew as much of his negotiations as they do of mine, would very justly give the title with which they have inconsiderately decorated me, that of "*Le Washington de la négociation*," a very flattering compliment, indeed, to which I have not a right, but sincerely think it belongs to Mr. Jay.

SUNDAY, *December 1.*

MONDAY 2. Made many visits, &c.\*

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Oswald to T. Townshend, Secretary of State.

PARIS, *November 30, 1782.*

SIR: I take this opportunity of Mr. Strachey to acknowledge the honor of your letters of the 22d and 23d † instant and to advise that we have at last come to an agreement with the American commissioners as to the terms of the treaty.

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\* Not in Dep. MSS. Taken from 3 J. Adams' Works, 339.

† 19th and 22d.

They are not exactly what were proposed by the draft which Mr. Strachey brought over with him, but are the best we could possibly obtain of them.

If we had not given way in the article of the fishery, we should have had no treaty at all. Mr. Adams having declared that he would never put his hand to any treaty, if the restraints regarding the three leagues and fifteen leagues were not dispensed with, as well as that denying his countrymen the privilege of drying fish on the unsettled parts of Nova Scotia.

Mr. Fitzherbert and Mr. Strachey finding this, and there being a discretionary power in Mr. Strachey's instructions regarding the whole of this article, as well in extent as manner, they thought it advisable to avail themselves of it rather than send again to London on this critical occasion, for farther instructions. Which although in the most certain prospect of obtaining assent to such dispensation might have been of bad consequence, not only in the loss of so much time, but in leaving the commissioners in such humor, as in the interim, to have suggested some new demands under the head of one or more of the other articles, which might have been of worse consequence than that of giving up these restraints of fishery. One specimen of which we had yesterday, while sitting with them and under hesitation on this subject, when one of those gentlemen, pulling a paper out of his pocket, proposed that his majesty should recommend to his parliament, to make provision for the payment of certain effects which had been seized by order of his generals and entirely out of the line of the consequences of military irregularities, and such as they could bring undoubted proofs of. And which he said ought to be paid upon the same principles of justice, as was urged in favor of the recovery of debts. On these and other accounts, and being in a manner certain that without an indulgence in this article of fishery, there would have been no treaty with America, the above-mentioned gentlemen thought it best to close with the commissioners by admitting this article in the way they proposed. In which they not only had my concurrence, but I own I used the freedom to encourage and press them to give their consent; being of opinion that I would be under no difficulty in showing that the grant was not of that importance as to be put in comparison with the consequences of splitting with America at this time. Among other things it occurred to me that if our caution in this particular regarding our marine, and an apprehension of its being abridged by this interference of the Americans to a greater extent in this trade, we might come to suffer much more by what the commissioners insinuated and indeed threatened in case of a refusal, which was to pass an act of navigation, by which, after a certain time all the ports of America should be shut against English ships in so far as the exportation of their produce should be concerned. And in the other view of the profits of the fishing trade, and our being deprived of such part of it as the Americans would gain by this admission, I was of opinion that in leaving the fishing sea ports in the west

of England, I would not have far to go inland, to be satisfied that the loss by continuing the dispute some time longer with the Americans, or even laying the foundation of a national grudge, would, ten times over, counterbalance the amount of the said loss; even supposing that the conditions of those restraints could be enforced; by keeping the Americans to their proper distances; which I am of opinion would be difficult if not doubtful, or if attempted by our men-of-war on that station, might be the means of bringing on quarrels of states, instead of being useful in preventing quarrels of fishermen, as one of the motives insisted on in justification of this refusal.

Some time after our giving up this article one of those gentlemen came over to our lodgings, and told us that if in this particular we had made any stretch beyond the limits of our instructions, they would in return do the same by theirs; and instead of confining the payment of debts to what preceded the year 1775, they would make all recoverable since that period.

I have not to trouble you farther on the subject, as Mr. Strachey can so well inform you of every particular of the progress of it. I will only beg leave, in so far as I was personally concerned, to express my acknowledgment, and the sincere satisfaction I felt upon this second appointment to that charge which could not fail in relieving my mind of the anxious concern I must have naturally experienced upon the occasion. I had also the additional pleasure to promise upon the public receiving every benefit in the conclusion of the business which could be expected from his ability and indefatigable attention and assiduity, as to which any farther information on my part would be ill placed and unnecessary, so that I have only to subscribe myself, sir, &c.

RICHARD OSWALD.\*

P. S.—Mr. Strachey tells me he has wrote about the pass wanted for the commissioners' packet bound to Philadelphia and ready to sail named the *General Washington*, Captain Burney. I hope it will not be delayed.

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\* Mr. Hildreth (3 Hist. U. S., 420) thus speaks:

"Thus completed, these preliminaries were signed, and with the exception of the secret article, were presently communicated by Franklin to Vergennes. Pointedly reproached, though with French politeness, for ungenerous distrust of France and breach of positive instructions in having signed this preliminary treaty without consulting the French court, Franklin replied with soft words, and Vergennes took the matter so little to heart that within a few days after he agreed to advance a new loan of six millions of livres (\$1,111,111) towards enabling the United States to meet the expenses of the ensuing year. France was inclined to favor the interests of Spain, her family ally; she was also very anxious speedily to terminate a war, the whole financial burden of which her American allies seemed inclined to shift upon her shoulders. Such appears to have been the only foundation for the suspicions entertained of the designs of the French court. In his whole intercourse with America Vergennes seems to have acted an honorable part, faithfully contributing, according to his best judgment, to secure the professed object of the treaty of alliance, the political and commercial independence of the United States."

Luzerne to Washington.\*

[Translation.]

PHILADELPHIA, *November 30, 1782.*

SIR : I received the letters your excellency honored me with the 13th, 19th, and 22d of this month, and have forwarded yours for the Count de Vergennes. From the reports which I have received from the Jerseys, it appears that the care of the legislature, and the vigilance you have excited in the executive, have produced happy effects in stopping the facility with which supplies were sent to New York. I well know the impossibility of preventing that commerce by means of military guards ; but in putting the zeal of the good citizens in activity I am persuaded some bounds may be put to a practice so destructive to the interests of the United States as well as of her allies.

I am under great obligations to your excellency for communicating to me what has passed relative to the fleets of the enemy at New York. I beg you to continue this communication, even after M. de Vaudreuil has departed, for by transmitting these accounts to the minister of marine, I enable him to judge better of the measures he has to take, knowing the force and movements of the enemy on these coasts.

I have the honor to be, &c.,

LUZERNE.

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#### Provisional Articles of Peace.†

Articles agreed upon by and between Richard Oswald, esquire, the commissioner of his Britannic majesty for treating of peace with the commissioners of the United States of America, in behalf of his said majesty on the one part, and John Adams, Benjamin Franklin, John Jay, and Henry Laurens, four of the commissioners of the said States for treating of peace with the commissioner of his said majesty, on their behalf, on the other part ; to be inserted in, and to constitute the treaty of peace proposed to be concluded between the crown of Great Britain and the said United States. But which treaty is not to be concluded until terms of peace shall be agreed upon between Great Britain and France, and his Britannic majesty shall be ready to conclude such treaty accordingly.

Whereas, reciprocal advantages and mutual convenience are found by experience to form the only permanent foundation of peace and friendship between states, it is agreed to form the articles of the proposed treaty on such principles of liberal equity and reciprocity as that partial advantages (those seeds of discord) being excluded, such a beneficial and satisfactory intercourse between the two countries may

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\* 6 Sparks' Dip. Rev. Corr., 103.

† MSS. Dep. of State ; 5 Sparks' Dip. Rev. Corr., 466.

be established as to promise and secure to both perpetual peace and harmony.

ARTICLE I. His Britannic majesty acknowledges the said United States, viz., New Hampshire, Massachusetts Bay, Rhode Island, and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, to be free, sovereign, and independent States; that he treats with them as such, and, for himself, his heirs and successors, relinquishes all claims to the government, propriety, and territorial rights of the same, and every part thereof; and that all disputes which might arise in future on the subject of the boundaries of the said United States may be prevented, it is hereby agreed and declared that the following are, and shall be, their boundaries, viz :

ARTICLE II. From the northwest angle of Nova Scotia, viz., that angle which is formed by a line drawn due north from the source of St. Croix River to the highlands, along the highlands which divide those rivers that empty themselves into the river St. Lawrence from those which fall into the Atlantic Ocean, to the northwesternmost head of Connecticut River; thence down along the middle of that river to the 45th degree of north latitude; from thence by a line due west on said latitude until it strikes the river Iroquois or Cataroquy; thence along the middle of said river into Lake Ontario; through the middle of said lake until it strikes the communication by water between that lake and Lake Erie; thence along the middle of said communication into Lake Erie; through the middle of said lake until it arrives at the water communication between that lake and Lake Huron, thence along the middle of said water communication into the Lake Huron; thence through the middle of said lake to the water communication between that lake and Lake Superior; thence through Lake Superior, northward of the Isles Royal and Philippeaux to the Long Lake; thence through the middle of said Long Lake and the water communication between it and the Lake of the Woods to the said Lake of the Woods; thence through the said lake to the most northwestern point thereof; and from thence on a due west course to the river Mississippi; thence by a line to be drawn along the middle of the said river Mississippi until it shall intersect the northernmost part of the 31st degree of north latitude; south by a line to be drawn due east from the determination of the line last mentioned in the latitude of 31st degree north of the equator, to the middle of the river Apalachicola or Catahouchi, thence along the middle thereof to its junction with the Flint River, thence straight to the head of St. Mary's River to the Atlantic Ocean. East by a line to be drawn along the middle of the river St. Croix, from its mouth in the Bay of Fundy to its source; and from its source directly north to the aforesaid highlands which divide the rivers that fall into the Atlantic Ocean from those which fall into the river St. Lawrence, comprehending all islands within twenty leagues of any part of the

shores of the United States, and lying between lines to be drawn due east from the points where the aforesaid boundaries, between Nova Scotia on the one part and East Florida on the other, shall respectively touch the Bay of Fundy and the Atlantic Ocean; excepting such islands as now are, or heretofore have been, within the limits of the said province of Nova Scotia.

ARTICLE III. It is agreed that the people of the United States shall continue to enjoy unmolested the right to take fish of every kind on the Grand Bank and on all the other banks of Newfoundland; also in the Gulf of St. Lawrence, and at all other places in the sea where the inhabitants of both countries used at any time heretofore to fish. And also that the inhabitants of the United States shall have liberty to take fish of every kind on such part of the coast of Newfoundland as British fishermen shall use (but not to dry or cure the same on that island), and also on the coasts, bays, and creeks of all other of his Britannic majesty's dominion in America. And that the American fishermen shall have liberty to dry and cure fish in any of the unsettled bays, harbors, and creeks of Nova Scotia, Magdalen Islands, and Labrador so long as the same shall remain unsettled; but so soon as the same or either of them shall be settled, it shall not be lawful for the said fishermen to dry or cure fish at such settlement, without a previous agreement for that purpose, with the inhabitants, proprietors, or possessors of the ground.

ARTICLE IV. It is agreed that creditors on either side shall meet with no lawful impediment to the recovery of the full value, in sterling money, of all *bona fide* debts heretofore contracted.

ARTICLE V. It is agreed that the Congress shall earnestly recommend it to the legislatures of the respective States to provide for the restitution of all estates, rights, and properties which have been confiscated, belonging to real British subjects, and also of the estates, rights, and properties of persons resident in districts in the possession of his majesty's arms, and who have not borne arms against the said United States; and that persons of any other description shall have free liberty to go to any part or parts of any of the thirteen United States, and therein to remain twelve months unmolested in their endeavors to obtain the restitution of such of their estates, rights, and properties as may have been confiscated. And that Congress shall also earnestly recommend to the several States a reconsideration and revision of all acts or laws regarding the premises, so as to render the said laws or acts perfectly consistent, not only with justice and equity, but with that spirit of conciliation which on the return of the blessings of peace should universally prevail. And that Congress shall also earnestly recommend to the several States that the estates, rights, and properties of such last-mentioned persons shall be restored to them, they refunding to any persons who may be now in possession, the *bona fide* price (where any has been given) which such persons may have paid on purchasing

any of the said lands, rights, and properties since the confiscation. And it is agreed that all persons who have any interest in confiscated lands, either by debts, marriage settlements, or otherwise, shall meet with no lawful impediment in the prosecution of their just rights.

ARTICLE VI. That there shall be no future confiscations made, nor any prosecutions commenced against any person or persons, for or by reason of the part which he or they may have taken in the present war, and that no person shall on that account suffer any future loss or damage, either in his person, liberty, or property, and that those who may be in confinement on such charges at the time of the ratification of the treaty in America, shall be immediately set at liberty and the prosecution so commenced be discontinued.

ARTICLE VII. There shall be a firm and perpetual peace between his Britannic majesty and the said States, and between the subjects of the one and the citizens of the other, wherefore all hostilities, both by sea and land, shall then immediately cease. All prisoners on both sides shall be set at liberty, and his Britannic majesty shall, with all convenient speed, and without causing any destruction, or carrying away any negroes or other property of the American inhabitants, withdraw all his armies, garrisons, and fleets from the said United States, and from every port, place, and harbor within the same, leaving in all fortifications the American artillery that may be therein. And shall also order and cause all archives, records, deeds, and papers belonging to any of the said States or their citizens, which, in the course of the war, may have fallen into the hands of his officers, to be forthwith restored and delivered to the proper States and persons to whom they belong.

ARTICLE VIII. The navigation of the Mississippi River, from its source to the ocean, shall forever remain free and open to the subjects of Great Britain and the citizens of the United States.

ARTICLE IX. In case it should so happen that any place or territory belonging to Great Britain or the United States should be conquered by the arms of either from the other before the arrival of these articles in America, it is agreed that the same shall be restored without difficulty and without requiring any compensation.

Done at Paris the thirtieth day of November, in the year one thousand seven hundred and eighty-two.

RICHARD OSWALD,  
JOHN ADAMS,  
B. FRANKLIN,  
JOHN JAY,  
HENRY LAURENS.

Witness :

CALEB WHITEFOORD,  
*Secretary to the British Commission.*  
W. T. FRANKLIN,  
*Secretary to the American Commission.*



**SEPARATE ARTICLE.** It is hereby understood and agreed that, in case Great Britain, at the conclusion of the present war, shall recover or be put in possession of West Florida, the line of north boundary between the said Province and the United States shall be a line drawn from the mouth of the river Yazoo, where it unites with the Mississippi, due east to the river Apalachicola.

Done at Paris the thirtieth day of November in the year one thousand seven hundred and eighty-two.

RICHARD OSWALD,  
JOHN ADAMS,  
B. FRANKLIN,  
JOHN JAY,  
HENRY LAURENS.

Attest:

CALEB WHITEFOORD,  
*Secretary to the British Commission.*

W. T. FRANKLIN,  
*Secretary to the American Commission.*

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**Livingston to the President of Congress.\***

PHILADELPHIA, *December 2, 1782.*

SIR: Having lately learned that the business of the court of chancery in the State of New York has increased so much as to demand more of my attention than is consistent with the duties of the place which I have the honor to hold under the United States, I must pray your excellency to lay before Congress my request to be permitted to resign the latter and to assure them at the same time of the grateful sense which I shall always retain, not only of the honor done me by the appointment, but of those distinguished marks of confidence which I have experienced repeatedly, as well from Congress as from its respective members.

That the business of this office may sustain no injury by my resignation, I shall, if Congress approve, continue to perform its duties till they shall be pleased to appoint a gentleman to succeed me, or direct some other mode for carrying it on, in confidence that they will make their arrangements as early as is consistent with the deliberation they may conceive them to require.

I take the liberty to recommend to the protection of Congress, and the gentleman who is to succeed me, Mr. Morris and M. Duponceau, my secretaries, having the greatest reason to confide in their fidelity and attention to the business intrusted to their care. The Reverend Mr. Tetard, who is likewise employed in the office, has some claim to

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\* MSS. Dep. of State; 6 Sparks' Dip. Rev. Corr., 203, with changes and omissions,

their attention ; he rendered essential services to our army in Canada, suffered many personal inconveniences there, and finds himself reduced, at an advanced age, to want the necessaries of life, the enemy having destroyed his house, laid waste his farm, carried off his slaves, and plundered him of his property. For these facts I take the liberty to refer Congress to his memorial, presented to them in 1778.

As it is probable, sir, that Congress, in making a new appointment, would wish to adapt the salary to the necessary expense of the department of which they have heretofore had no means to be fully informed, I owe it, as well to them as to my successor, to assure them that with the utmost economy which my situation would admit of, I have been compelled to expend something more than three thousand dollars beyond the allowance of Congress, exclusive of carriages, horses, and household furniture, all of which I brought with me. As I have now no personal interest in mentioning this circumstance, Congress will, I am persuaded, attribute the liberty I have taken to my desire of seeing a department, in which I have had the honor to preside, supported with dignity.

Be pleased, sir, to receive my sincere acknowledgments for your personal attention, and believe me to be, with the most respectful attachment, your excellency's most ob't humble serv't,

R. R. LIVINGSTON. \*

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J. Adams to Franklin.†

PARIS, *December 3, 1782.*

SIR : The moments we live in are critical, and may be improved, perhaps to advantage, for which purpose I beg leave to propose to your consideration whether it is not proper for us to write to Mr. Dana, at Petersburg, acquaint him with the signature of the preliminaries, enclose to him an authentic copy of them, and advise him to communicate it to the ministers of the Empress and to all the ministers of the neutral powers at her court, together with a copy of his commission to subscribe to the principles of the armed neutrality. The present seems to me the most proper time for this step.

The United States are as much interested in the marine treaty as any power, and if we take this step we may, with propriety, propose, if not insist, upon an article in the definitive treaty respecting this matter, which will be as agreeable to France and Spain as to the United Provinces.

I have heretofore mentioned to Mr. Jay a similar proposal, who approved it, and I will propose it again to-day to him and Mr. Laurens. If you approve the measure you will be so good as to order an authen-

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\* Indorsed on this letter is the following : Referred to Mr. McKean, Mr. Rutledge, and Mr. Osgood, December 2, 1782.

† Franklin MSS., Dep. of State.

tic copy to be made of the preliminary treaty, that we may prepare a letter the first time we meet.

I have the honor to be, sir, your most obedient,

J. ADAMS.

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Livingston to Franklin.\*

PHILADELPHIA, *December 3, 1782.*

SIR: I have just now received the certificates required by Mr. Waller. The vessel which carries my other despatches having been long detained, I embrace the opportunity to forward them. Nothing new since my last, except that, by a gentleman who left Charleston the 4th instant, we learn that the British had dismounted their cannon and were certainly on the point of leaving it. [The remainder is in cipher.]

I am, sir, &c.,

ROBERT R. LIVINGSTON.

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La Fayette to the President of Congress.†

BREST, *December 3, 1782.*

DEAR SIR: I have the honor to beg the attention of Congress upon a subject which, though it appears personal, may bring about events of public utility.

On a past voyage I have had the happiness to return with such means as proved useful to the United States, and when I embarked last, I had a leave of absence till such a time as I would think proper.

What has been done respecting former demands of money has been communicated to Congress. As to the late ones, I leave it to the ministers of Congress to give an account of those transactions.

I have the heartfelt happiness to think that I did not leave Versailles until I had to the utmost exerted every means in my power; and I wish they had been an aid to promote every view of Congress and every interest of the United States.

The ministers of Congress in Europe have in former letters acquainted them with the request they made, that I should defer my departure to America. They thought I might serve her in the political field, and I yielded to their opinion.

Now, sir, that I am going to embark, I have done it by their advice. Upon the voyage, the mode and time of it, I have taken their opinion, and it has been that I was acting consistent with the interests of America, and the instructions of General Washington. But I could not submit to think that any member of Congress might, from public

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\* MSS. Dep. of State; 2 Sparks' Dip. Rev. Corr., 396.

† MSS. Dep. of State; 5 Sparks' Dip. Rev. Corr., 401.

report, imagine that I enlarge so far their permission as to follow pursuits that would not particularly promote the views of America; and as they do not choose being intruded upon with minute details of military plans, let it suffice to say that I beg leave to refer them to the opinion of General Washington.

With a heart bound to America by every sentiment of a grateful and everlasting, and, I may add, a patriotic love.

I have the honor to be, &c.,

LA FAYETTE.

J. Adams' Journal of Peace Negotiations—Continued.\*

DECEMBER 3, 1782.

Visited M. Brantzen, *Hôtel de la Chine*. M. Brantzen asked me how we went on. I told him we had come to a full stop by signing and sealing the preliminaries the 30th of November. I told him that we had been very industrious, having been at it forenoon, afternoon, and evening, ever since my arrival, either with one another, or with the English gentlemen. He asked if it was definitive and separate. I said by no means. They were only articles to be inserted in the definitive treaty. He asked if there was to be any truce or armistice in the mean time. I said again, by no means.

He then said that he believed France and England had agreed too; that the Count de Vergennes son was gone to England with M. de Rayneval; but he believed the Spaniards had not yet agreed and the Dutch were yet a great way off, and had agreed upon nothing. They had had several conferences. At the first he had informed Mr. Fitzherbert that their high mightinesses insisted upon the freedom of navigation as a preliminary and a *sine qua non*. Mr. Fitzherbert had communicated this to his court, but the answer received was, that his court did not approve of conceding this as a *sine qua non*, but chose to have all the demands of their high mightinesses stated together. M. Brantzen answered that his instructions were not to enter into any conferences upon other points until this was agreed. That it was the intention of the British court to agree to this. That he could not consider any changes in the ministry as making any alteration. They were all ministers of the same King and servants of the same nation. That Mr. Fox, when he was secretary of state, by his letter to the Russian minister, had declared the intention of the King to consent to the freedom of navigation, &c.

M. Brantzen said, however, that he had in his private capacity, and without compromising his ministerial character, entered into explanations with Mr. Fitzherbert, and had told him that he should insist upon three points, the freedom of navigation, the restitution of territories in

\* 3 Sparks' Dip. Rev. Corr., 720.

the East and West Indies, and compensation for damages. The two first points could not be disputed, and the third ought not; for the war against them had been unjust, the pretences for it were groundless, their accession to the armed neutrality must now be admitted, even by Britain's accession to it, to have been an illegitimate cause of war, and the project of a treaty with America could not be seriously pretended to be a just cause of war; and many members of Parliament had in the time of it declared the war unjust, and some of those members were now ministers; even the prime minister, my Lord Shelburne himself, had freely declared the war unjust in the House of Peers; and if the war was unjust the damages and injustice ought to be repaired.

Mr Fitzherbert said that there was no precedent of compensation for damages in a treaty of peace. M. Brantzen begged his pardon, and thought there had been instances. One example in particular, which the English themselves had set against the Dutch, which just then came into his head. Cromwell had demanded compensation of them, and they had agreed, as now appears by the treaty, to pay a hundred thousand pounds sterling as a compensation.

M. Brantzen was not furnished with a full account of all the losses of individuals, and therefore could not precisely say what the amount would be. That perhaps they might not insist upon prompt payment, nor upon a stated sum, but might leave both the sum and time of payment to be ascertained by commissioners at their leisure after the peace.

I observed to him that we intended to write to Mr. Dana and send him a copy of our preliminaries, that he might commence his negotiations with the neutral powers, and if he succeeded we could then make common cause with Holland, and insist on an article to secure the freedom of navigation. This idea he received with great pleasure, and said he would write about it to the States. Upon this I asked him with whom he and the other Dutch ministers abroad held their correspondence. He answered that the secretary, Fagel, was, properly speaking, the minister of foreign affairs. That their principal correspondence was with him; but that they had a correspondence with the grand pensionary, Bleiswick, too. That the letters received by the secretary were laid before the *besogne secrète*, or committee of secrecy. This committee consisted of so many members—one at least for each Province—that it was very difficult to keep anything secret. Foreign ministers were very inquisitive, and the Duc de la Vauguyon would be likely to get at it. So that if they had any to write which they wished secreted, they wrote it to the grand pensionary, who is not obliged to lay before the States letters entire. He selects such parts as he judges proper, and prints them, to be taken *ad referendum*, and laid before the regencies of the cities. That they had some times a little diffidence of this court (*quelque méfiance*), for this court was very fine (*diablement fine*), and when this happened they wrote to the grand pensionary that it

might not be communicated to the French minister, and consequently to his court. These people are vastly profound. They will not favor the Spaniards in obtaining the Floridas. They will play England against Spain and Spain against England, England against you and you against England, and all of you against us and us against all of you, according to their own schemes and interests. They are closely buttoned up about Gibraltar, and as to Jamaica, they will not favor Spain in that view. I expect they will get their own affairs arranged and then advise England to agree to the freedom of navigation and a restitution of territory, and then advise us to be very easy about compensation. Thus M. Brantzen.

I next visited Mr. Jay to talk about writing to Mr. Dana and communicating to the neutral powers the preliminary articles. Mr. Jay says that Mr. Oswald is very anxious that his court should do that, and he has been writing to the ministry to persuade them to it. Had a long conversation with Mr. Jay about the manner of settling the western lands. This I can not now detail.

Went next to Mr. Laurens, upon the subject of writing to Mr. Dana, and found him full in my sentiments, and at my return found answers from Dr. Franklin and Mr. Laurens to the letters I wrote them, both agreeing that this is the critical moment for Mr. Dana to commence his negotiations. Dr. Franklin promises to have an authentic copy made to send to Mr. Dana.

In the evening many gentlemen came in, among the rest Mr. Bourse, the agent of the Dutch East India Company, who expressed a good deal of anxiety about their negociation, and feared they should not have justice in the East Indies.

#### DECEMBER 4.

It is proper that I should note here that in the beginning of the year 1780, soon after my arrival at Paris, Mr. Galloway's pamphlets fell into my hands. I wrote a long series of letters to a friend in answer to them. That friend sent them to England, but the printers dared not publish them. They remained there until last summer, when they were begun to be printed, and are continued to this day, not being yet quite finished, in Parker's General Advertiser, but with false dates, being dated in the months of January and February last, under the title of Letters from a distinguished American. They appear to have been well received, and to have contributed somewhat to unite the nation in accelerating the acknowledgment of American independence, and to convince the nation of the necessity of respecting our alliances, and of making peace.

I hope it will be permitted to me, or to some other who can do it better, some ten or fifteen years hence, to collect together in one view my little negociations in Europe. Fifty years hence it may be published, perhaps twenty. I will venture to say however feebly I may have acted

my part, or whatever mistakes I may have committed, yet the situations I have been in, between angry nations and more angry factions, have been some of the most singular and interesting that ever happened to any man. The fury of enemies, as well as of elements, the subtlety and arrogance of allies, and, what has been worse than all, the jealousy, envy, and little pranks of friends and co-patriots, would form one of the most instructive lessons in morals and politics that ever was committed to paper.

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J. Adams to Livingston.\*

PARIS, *December 4, 1782.*

SIR: It is with much pleasure that I transmit you the preliminary treaty between the King of Great Britain and the United States of America. The Mississippi, the western lands, Sagadahock, and the fisheries are secured as well as we could, and I hope what is done for the refugees will be pardoned.

As the objects for which I ever consented to leave my family and country are thus far accomplished, I now beg leave to resign all my employments in Europe. They are soon enumerated: the first is my commission to borrow money in Holland, and the second is my credence to their high mightinesses. These two should be filled up immediately; and as Mr. Laurens was originally designed to that country, and my mission there was merely owing to his misfortune, I hope that Congress will send him a full power for that court. The commission for peace I hope will be fully executed before this reaches you. But if it should not, as the terms are fixed, I should not choose to stay in Europe merely for the honor of affixing my signature to the definitive treaty, and I see no necessity of filling up my place; but if Congress should think otherwise, I hope they will think Mr. Dana the best entitled to it.

With great esteem, I have the honor to be, &c.,

JOHN ADAMS.

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Franklin to Livingston.

PASSY, *December 4, 1782.*

SIR: We detain the *Washington* a little longer, expecting an English passport for her in a few days; and as possibly some vessel bound for North America may sail before her, I write this line to inform you that the French preliminaries with England are not yet signed, though we hope they may be very soon. Of ours I enclose a copy. The Dutch and Spain have yet made but little progress, and as no definitive treaty

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\* MSS. Dep. of State; 3 Sparks' Dip. Rev. Corr., 694, and 8 J. Adams' Works, 16.

† MSS. Dep. of State; 2 Sparks' Dip. Rev. Corr., 396; 9 Sparks' Franklin, 435; 8 Bigelow's Franklin, 213.

will be signed till all are agreed, there may be time for Congress to give us further instructions, if they think proper. We hope the terms we have obtained will be satisfactory, though, to secure our main points we may have yielded too much in favor of the royalists. The quantity of aid to be afforded us remains undecided. I suppose something depends on the event of the treaty. By the *Washington* you will be fully informed of everything.

With great regard, I have the honor to be, &c.,

B. FRANKLIN.

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Vergennes to Rayneval.\*

VERSAILLES, *December 4, 1782.*

You had no idea, Monsieur, when you left this place, that the negotiation of the Americans was at the point of conclusion. I received the next morning a note from M. Franklin announcing that all was agreed upon, and was about to be signed. In fact the preliminary articles were signed that day on one side by Mr. Oswald, and on the other by the four American plenipotentiaries.

The translation of those preliminaries, which I here enclose, relieves me from the necessity of entering into any details of their contents. You will notice that the English buy the peace more than they make it. Their concessions, in fact, as much as to the boundaries as to the fisheries and the loyalists, exceed all that I should have thought possible. What can be the motive, that could have brought terms so easy, that they could have been interpreted as a kind of surrender? You are in a better way to discover than I, but what I can not help observing, and what I pointed out to M. Franklin, is that notwithstanding the reservation in these preliminary articles, that they are not to take effect till terms of peace are settled between England and France, yet their signature is none the less premature.

If love of peace has torn from the English ministers the sacrifices that they so generously make to America, I must believe that that sentiment extending itself to all the objects of the war, the conditions of which you were bearer, must have been favorably received. May you be able to confirm us in this view. The news will be better received here than at Madrid, where, according to all our ideas, the cession of Minorca will cause extreme displeasure.

Upon the hypothesis which is most satisfactory to us, and the most hopeful, we have different points to discuss with the English ministers; first of all, their official declaration of their concessions to us. The perusal of the preliminaries of the Americans will make you feel how important it is that their concessions should be free from ambig-

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\* Translated from 3 Circourt's Bancroft, 49.



uity in respect to the exclusive exercise of our rights of fishing.\* The Americans acquiring the right to fish in common with the English fishermen, they should have no occasion or pretext for troubling us.

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La Fayette to Washington.†

BREST, *December 4, 1782.*

MY DEAR GENERAL: My former letters have acquainted you that, however talkative politicians were about peace, an expedition was fitting out, the command of which is given to Count d'Estaing. I have also added that, upon being requested to go, I have willingly accepted of it, as I thought it the means, the only means in the world, to bring about what you have directed me to obtain. Colonel Gouvion must be with you, and I refer you, my dear General, to the letter I wrote by him, as well as to some notes. I write to him, as I have a full cipher with that gentleman. West Indies is the first object; Spain in the way. We have got here nine ships of the line to set out with the first fair wind. Your excellency knows that Count d'Estaing is gone to Spain. We shall have 71 (maritime superiority). Please to prepare propositions and motions about New York, Charlestown, Penobscot, and Newfoundland. One French ship is to be sent to America, and then by your orders to the West Indies. I shall write the next opportunity.

Enclosed, my dear General, I have the honor to send you the copy of a letter to Congress.‡ I hope you will be able to tell them you are satisfied with my conduct. Indeed, my dear General, it is necessary to my happiness that you think so. When you are absent I endeavor to do the thing which seems likely to have been advised by you had you been present. I love you too much to be easy one minute unless I thought you approved of my conduct.

Peace is much talked of. I think, *between us*, much of the difficulty must lay with the Spaniards, and yet I do not think the enemy are very sincere. They have been heaping chicanery and finesse upon the affair of limits for America and so on. It is my opinion that, in the bottom of their hearts, they are determined if they can to try what turn the next campaign will give to their affairs, and God grant we may make it a vigorous one, particularly about New York.

I arrived here only yesterday morning. I have much of public business upon my hands, so that in requesting my best respects to be presented to Mrs. Washington, and my compliments to the family, George,

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\* Referring to the coast west of Nova Scotia reserved by the treaty of Utrecht.

† 2 La Fayette Memoirs, 43.

‡ The aim of this letter was to announce to Congress the new decision that M. de la Fayette had just taken, and of which he referred the subject to the opinion of Washington.—Ed. La Fayette Memoirs.

and my friends in the army, I will only add the expression of the most tender and grateful respect, I have the honor to be, with, my dear General, &c.

**J. Adams' Journal of Peace Negotiations—Continued.\***

DECEMBER 5, 1782.

The Duke de la Vauguyon came in. He says that France and England are agreed, and that there is but one point between England and Spain. England and Holland are not yet so near. I showed him our preliminary treaty, and had some difficulty to prevent his seeing the separate article, but I did prevent him from seeing anything of it, but the words "separate article."

Dined at Mr. Jay's with Messrs. Fitzherbert, Oswald, Franklin, Laurens, and their secretaries, Ellis, Whitefoord, Franklin, and Laurens. Mr. Jennings was there too. He came home and spent the evening with me.

DECEMBER 6.

Spent the evening with Mr. Laurens at his own lodgings, *Hôtel de York*; and on a visit to Mr. Curson, *Hôtel de York*, Mr. Laurens said that we should very soon raise figs and olives and make oil in America. That he had raised great quantities of figs in his own garden in Carolina, and that the figs in Carolina and Georgia were the most delicious he had ever tasted. That he had raised in one year in his own garden in Carolina between fifty and a hundred bushels of olives. That there were large quantities and a great variety of wild grapes in Carolina and Georgia, of some of which very good wine had been made.

As Mr. Curson talked of going to Marseilles, Mr. Laurens advised him to send to America some Barbary sheep. He says he had one in Carolina, but never could make the American rams go to that sheep. He gives a beautiful description of Marseilles; says it will rival Bordeaux in the wine trade with America. The Levant trade furnishes it with carpets, cottons, silks, raw silks, and drugs, and it has a large manufactory of castile soap.

Mr. Laurens' apartments at the *Hôtel de York* are better than mine at the *Hôtel du Roi, au Carrousel*, yet he gives but twelve *louis*, and I am obliged to give eighteen. He has two large rooms, besides a large commodious bedchamber and a large ante-chamber for servants. He says there will be an outrageous clamor in England on account of the fisheries and the loyalists, but what is done is irrevocable.

\* 3 J. Adams' Works, 343.

Livingston to Harrison.

PHILADELPHIA, *December 5, 1782.*

DEAR SIR: I have this moment learned that a vessel will sail for Cadiz in an hour's time. I beg to recommend to your particular care the letter for Mr. Carmichael, which the captain will deliver to you. It contains a cipher, and must not therefore pass through the post-office.

Congress, as yet, have done nothing in your affair, though it has been particularly recommended to them and now lies before them. One obstruction is the difficulty of appointing consuls till some treaty or convention between us and Spain shall authorise it.

The season of the year admits of no military operations here; and the packet of newspapers sent herewith will give you the current news. You will find by them that we are still in suspense with respect to the fate of Charleston, though it is generally believed that it can not be long ere the evacuation will be completed. The French fleet are still at Boston, though prepared to sail. Nothing astonishes us more than the effrontery of the British publications, which affirm boldly that great tumults have been excited in the Eastern States on account of their reluctance to the war, when there is not the slightest foundation in fact for such an assertion. This, I suppose, is calculated to give a momentary popularity to Lord Shelburne.

I am, sir, &c.,

ROBERT R. LIVINGSTON.

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Franklin to Livingston.†

PASSY, *December 5, 1782.*

SIR: I am honored by your several letters, Nos. 16, 17, 18, and 19, dated September 5th, 13th, 15th, and 18th. I believe that the complaints you make in them of my not writing may ere now have appeared less necessary, as many of my letters written before those complaints must have since come to hand. I will nevertheless mention some of the difficulties your ministers meet with in keeping up a regular and punctual correspondence. We are far from the seaports and not well informed, and often misinformed, about the sailing of vessels. Frequently we are told they are to sail in a week or two, and often they lie in the ports for months after, with our letters on board, either waiting for convoy or other reasons. The post-office here is an unsafe conveyance; many of the letters we received by it have evidently been opened, and doubtless the same happens to those we send; and at this time

\* MSS. Dep. of State; 6 Sparks' Dip. Rev. Corr., 204.

† MSS. Dep. of State; 2 Sparks' Dip. Rev. Corr., 397, with verbal changes; 9 Sparks' Franklin, 426; 8 Bigelow's Franklin, 214.

particularly, there is so violent a curiosity in all kinds of people to know something relating to the negociations, and whether peace may be expected, or a continuance of the war, that there are few private hands, or travellers that we can trust with carrying our despatches to the sea-coast; and I imagine that they may sometimes be opened and destroyed because they can not be well sealed. Again, the observation you make that the Congress ministers in Europe seem to form themselves into a privy council, transacting affairs without the privy or concurrence of the sovereign, may be in some respects just; but it should be considered that if they do not write as frequently as other ministers here do to their respective courts, or if when they write, their letters are not regularly received, the greater distance of the seat of war, and the extreme irregularity of conveyances may be the causes, and not a desire of acting without the knowledge or orders of their constituents. There is no European court to which an express can not be sent from Paris in ten or fifteen days, and from most of them answers may be obtained in that time. There is, I imagine, no minister who would not think it safer to act by orders than from his own discretion; and yet, unless you leave more to the discretion of your ministers in Europe than courts usually do, your affairs may sometimes suffer extremely from the distance, which in the time of war especially, may make it five or six months before the answer to a letter shall be received. I suppose the minister from this court will acquaint Congress with the King's sentiments respecting a very handsome present of a ship of the line. People in general here are much pleased with it.

I communicated, together with my memoir demanding a supply of money, copies of every paragraph in your late letters, which express so strongly the necessity of it. I have been constant in my solicitations both directly and through the Marquis de La Fayette, who has employed himself diligently and warmly in the business. The negotiations for peace are, I imagine, one cause of the great delay and indecision on this occasion beyond what has been usual, as the quantum may be different if those negotiations do or do not succeed. We have not yet learnt what we may expect. We have been told that we shall be aided, but it can not be to the extent demanded; six millions have been mentioned, but not as a sum fixed. The minister tells me still that he is working upon the subject, but can not yet give a determinative answer. I know his good will to do the best for us that is possible.

It is in vain for me to repeat again what I have so often written, and what I find taken so little notice of, that there are bounds to everything, and that the faculties of this nation are limited like those of all other nations. Some of you seem to have established as maxims the suppositions that France has money enough for all her occasions and all ours besides; and that if she does not supply us it is owing to her want of will or to my negligence. As to the first, I am sure it is not true; and to the second, I can only say I should rejoice as much as any man in

being able to obtain more ; and I shall also rejoice in the greater success of those who may take my place. You desire to be very particularly acquainted with "every step which tends to negociation." I am, therefore, encouraged to send you the first part of the journal, which accidents and a long severe illness interrupted ; but which, from notes I have by me, may be continued if thought proper. In its present state it is hardly fit for the inspection of Congress, certainly not for public view. I confide it therefore to your prudence.

The arrival of Mr. Jay, Mr. Adams, and Mr. Laurens, has relieved me from much anxiety, which must have continued, if I had been left to finish the treaty alone ; and it has given me the more satisfaction, as I am sure the business has profited by their assistance.

Much of the summer has been taken up in objecting to the powers given by Great Britain and in removing those objections. The using any expressions that might imply an acknowledgment of our independence, seemed at first industriously to be avoided ; but our refusing otherwise to treat at length induced them to get over that difficulty, and then we came to the point of making propositions. Those made by Mr. Jay and me before the arrival of the other gentlemen, you will find in the paper No. 1, which was sent by the British plenipotentiary to London for the King's consideration. After some weeks, as under-secretary, Mr. Strachey arrived, with whom we had much contestation about the boundaries and other articles which he proposed and we settled ; some of which he carried to London, and returned with the propositions, some adopted, others omitted or altered, and new ones added, which you will see in paper No. 2. We spent many days in disputing, and at length agreed on and signed the preliminaries, which you will see by this conveyance. The British minister struggled hard for two points, that the favors granted to the royalists should be extended, and our fishery contracted. We silenced them on the first by threatening to produce an account of the mischief done by those people ; and as to the second, when they told us they could not possibly agree to it as we requested it, and must refer it to the ministry in London, we produced a new article to be referred at the same time, with a note of facts in support of it, which you have, No. 3. Apparently, it seemed, that to avoid the discussion of this they suddenly changed their minds, dropped the design of recurring to London and agreed to allow the fishery as demanded.

You will find in the preliminaries some inaccurate and ambiguous expressions that want explanation, and which may be explained in the definitive treaty ; and as the British ministry excluded our proposition relating to commerce, and the American prohibition of that with England may not be understood to cease merely by our concluding a treaty of peace, perhaps we may then, if the Congress shall think fit to direct it, obtain some compensation for the injuries done us as a condition of our opening again the trade. Every one of the present British minis-

try has, while in the minority, declared the war against us unjust; and nothing is clearer in reason than that those who injure others by an unjust war should make full reparation. They have stipulated, too, in these preliminaries, that in evacuating our towns they shall carry off no plunder, which is a kind of acknowledgment that they ought not to have done it before.

The reason given us for dropping the article relating to commerce was that some statutes were in the way which must be repealed before a treaty of that kind could be well formed, and that this was a matter to be considered in Parliament.

They wanted to bring their boundary down to the Ohio and to settle their loyalists in the Illinois country. We did not choose such neighbors.

We communicated all the articles, as soon as they were signed, to Count de Vergennes (except the separate one), who thinks we have managed well, and told me that we had settled what was most apprehended as a difficulty in the work of a general peace, by obtaining the declaration of our independency.

## DECEMBER 14.

I have this day learnt that the principal preliminaries between France and England are agreed on, to wit:

1. France is to enjoy the right of fishing and drying on all the west coast of Newfoundland, down to Cape Ray. Miquelon and St. Pierre to be restored, and may be fortified.

2. Senegal remains to France, and Goree to be restored. The Gambia entirely to England.

3. All the places taken from France in the East Indies to be restored, with a certain quantity of territory round them.

4. In the West Indies, Grenada and the Grenadines, St. Christopher's, Nevis, and Montserrat, to be restored to England. St. Lucia to France. Dominique to remain with France, and St. Vincent's to be neutralized.

5. No commissioner at Dunkirk.

The points not yet quite settled are the territory round the places in the Indies, and neutralization of St. Vincent's. Apparently these will not create much difficulty.

Holland has yet hardly done anything in her negotiation.

Spain offers for Gibraltar to restore West Florida and the Bahamas. An addition is talked of the Island of Guadaloupe, which France will cede to Spain in exchange for the other half of Hispaniola, and Spain to England, but England, it is said, chose rather Porto Rico. Nothing yet concluded.

As soon as I received the commission and instructions for treating with Sweden, I waited on the ambassador here, who told me he daily expected a courier on that subject. Yesterday he wrote a note to ac-

quaint me that he would call on me to-day, having something to communicate to me. Being obliged to go to Paris, I waited on him, when he showed me the full powers he had just received, and I showed him mine. We agreed to meet on Wednesday next, exchange copies, and proceed to business. His commission has some polite expressions in it, to wit: "That his majesty thought it for the good of his subjects to enter into a treaty of amity and commerce with the United States of America, who had established their independence so justly merited by their courage and constancy;" or to that effect. I imagine this treaty will be soon completed; if any difficulties should arise, I shall take the advice of my colleagues.

I thank you for the copies of Mr. Paine's letter to the Abbé Raynal, which I have distributed into good hands. The errors we see in histories of our times and affairs weaken our faith in ancient history. Mr. Hilliard d'Auberteuil has here written another history of our Revolution, which, however, he modestly calls *an essay*; and fearing that there may be errors, and wishing to have them corrected, that his second edition may be more perfect, he has brought me six sets, which he desires me to put in such hands in America as may be good enough to render him and the public that service. I send them to you for that purpose, by Captain Barney, desiring that one set may be given to Mr. Paine, and the rest where you please. There is a quarto set in the parcel, which please to accept from me.

I have never learnt whether the box of books I sent to you, and the press to Mr. Thompson, were put on board the *Eagle* or one of the transports. If the former, perhaps you might easily purchase them at New York; if the latter, you may still receive them among the goods for Congress, now shipping by Mr. Barclay. If they are quite lost let me know it, that I may replace them.

I have received several letters from your office with bills to pay ministers' salaries. Nothing has yet been done with those bills, but I have paid Mr. Laurens 20,000 livres.

I have this day signed a common letter to you drawn up by my colleagues, which you will receive herewith. We have kept this vessel longer for two things, a passport promised us from England, and a sum to send in her; but she is likely to depart without both, being all of us impatient that Congress should receive early intelligence of our proceedings, and for the money we may probably borrow a frigate.

I am now entering on my 78th year; public business has engrossed fifty of them; I wish now to be, for the little time I have left, my own master. If I live to see this peace concluded, I shall beg leave to remind the Congress of their promise then to dismiss me. I shall be happy to sing with old Simeon, *Now lettest thou thy servant depart in peace, for mine eyes have seen thy salvation.*

With great esteem, &c.,

B. FRANKLIN.

Morris to Barclay.\*

OFFICE OF FINANCE, *December 5, 1782.*

SIR: On the 28th of May last the United States in Congress resolved that a commissioner be appointed to liquidate and finally settle the accounts of all the servants of the United States who have been entrusted with the expenditure of public moneys in Europe. On the 29th of July last it was resolved that the resolution of the 28th of May be reconsidered, and, on motion, it was ordered that the said resolution be committed. On the 18th of November last, on the report of a committee to whom, upon a reconsideration, the resolution of the 28th of May last was referred, it was resolved that a commissioner be appointed by Congress with full power and authority to liquidate and finally to settle the accounts of all the servants of the United States in Europe; and to commence and prosecute such suits, causes, and actions as may be necessary for that purpose, or for the recovery of any property of the said United States in the hands of any person or persons whatsoever. That the said commissioner be authorised to appoint one or more clerks, with such allowance as he may think reasonable; and that the said commissioner and clerks respectively take an oath, before some person duly authorised to administer an oath, faithfully to execute the trust reposed in them respectively. On the same day you were elected the commissioner; and it was resolved that Congress would hereafter make adequate provision for the said commissioner, according to the nature and extent of the services which he shall perform. And on the 20th of November last it was resolved that the superintendent of finance be directed to instruct the commissioner for settling the public accounts in Europe to take proper measures for adjusting, without delay, the accounts of M. de Beaumarchais or Roderique Hortalez & Co., and to report such settlement to Congress; that order may be taken for the payment of the balance, if any shall be justly due; and that, in the mean time, no farther remittances or payments be made to M. de Beaumarchais or Roderique Hortalez & Co. by virtue of any former resolution of Congress.

Enclosed herein you will find a commission authorising you to act in this business; and I shall now endeavor to give you such explanations and directions as may be necessary for the accomplishment of it consistently with the views and intentions of the United States in Congress. You will, undoubtedly, remark that no sum is fixed upon as the compensation for this duty; the reason of which is apparent, that until the completion of it, neither the nature nor extent can be perfectly known. This might, perhaps, have induced a monthly or annual stipend, to any other commissioner; but as your other duties may, and probably will, occupy a part of your time and attention, which must

\* MSS. Dep. of State; 6 Sparks' Dip. Rev. Corr., 566, with verbal changes and omissions.



nevertheless be indeterminate, so it follows that no points could be properly assumed by which the reasonable extent of such a stipend could be known. I have every reason to believe that it is in the intention of Congress to make a generous allowance for the performance of this service; and I am persuaded that by attention, assiduity, and the faithful exertion of your talents and abilities, you will merit their regard.

The appointment of your clerks, as well as the ascertaining their number and reward, are left to your discretion. You will, on this occasion, consult the principles of true economy, which dictate the employing as many persons as are capable of performing the service, and no more; the taking care that those employed are capable of performing the business committed to them, and the obtaining such a number of such persons on the cheapest terms for which they can be procured. But the worst economy in the world is to employ improper men. That you may be enabled to form a judgment of the talents necessary to a clerk, you will observe that Congress, in their ordinance of the 11th of September, 1781, for regulating the Treasury and adjusting the public accounts, ordained and declared that the clerks, the number of whom should be regulated by the superintendent of finance, should be appointed by the controller. That it should be their duty to examine all accounts which should be committed to them by the controller, to correct all errors, and to note in writing what may appear exceptionable, either as to the propriety of the charges or the validity of the vouchers, and transmit the accounts, with their remarks, to the auditor. And that the party, for himself, and the clerk on behalf of the public, should be heard before the auditor. From the nature of the commission entrusted to you, it follows that you must both commit the account to the clerk, and afterwards audit it, as well as finally determine on and adjust it; which last is done here by the controller, except in cases where the appointment of a commissioner has been necessary, with authorities similar to yours. It is to be apprehended that the accounts will, in many instances, be exhibited to you informally; and as it is not only useful in the first settling of complicated accounts to adhere to settled forms, but absolutely necessary to the clear and easy understanding of them after they are settled, so it will frequently become necessary to have the accounts restated, and all the vouchers of them numbered by your clerks. And although all your own care and attention will always be requisite to detect and discover errors and frauds, yet so much will depend on the accuracy and abilities of the clerks in these investigations, that I can not too strongly recommend to your attention the choice of able accountants for that purpose.

With respect to the accounts of M. de Beaumarchais much has been said, and therefore I might dispense perhaps with saying anything; but as I have reason to believe that whatever may have been the char-

acter of the persons concerned, either for ability or integrity, the business which has passed through their hands has not been well done, I must desire that these accounts undergo your strictest scrutiny. You will probably find some other large accounts which merit a like attention. In every such case the observations made here will be equally applicable. You are too well acquainted with mercantile business not to know what, how, and when commissions are chargeable on a transaction. I believe that knowledge and information on this subject will be found very necessary. They will be indispensable should it be attempted to charge several commissions on the same thing, whether it be done openly, as such, or covertly, as brokerage, factorage, and the like, or still more covertly, for increase of original price, hence, therefore, it will be found necessary to consider well the original prices, and it is much to be lamented that samples of the articles can not be laid before you, because many have been received of a quality not only base but despicable.

It is not possible at this distance of time and place to ascertain by whom such articles were purchased, and, indeed, many of those which have been shipped have never arrived; under such circumstances it becomes your duty to require proof of the quality of such articles as appear charged to the United States, and the idea will naturally suggest itself that the character of the party making the charge will influence the necessity of such proof, as the validity of the proof itself will be influenced by the character of the witnesses.

Had these transactions been merely confined to the purchase and delivery of goods, they might, perhaps, easily have been investigated; but they extend themselves to many other things, among which is the transportation and expenses incident to it. Under this head, two objects present themselves immediately to view. First, whether due care was taken in the mode of transportation adopted; and secondly, whether the expense has been reasonable or exorbitant. With respect to the latter, it will certainly be your duty to correct improper or exorbitant charges. But in the former case, your conduct must be directed by circumstances in their nature so various as to admit of no prescribed rule, and therefore I can only recommend it to you to consult the interests of the United States as far as the principles of justice will permit. I know it is unnecessary to tell you that the delivery of goods purchased and transported should be shown before the charges are admitted; but I must desire that the evidence on this subject may be so clear and plain as to enable us to call the receiver of them to account. Cases will doubtless occur of loss by the accidents of the sea and by enemies; these also should be clearly proved and the causes, as much as possible, investigated.

Your commission will entitle you to aid and protection in the execution of the duties committed to you; and you will make the necessary applications on the subject to the proper persons, whenever circum-

stances shall require. A primary object will be to discover what sums have at any time or times been paid to the use of the United States. These can, I suppose, be discovered, and the names of the persons to whom they have been paid, although it is possible that in certain cases the persons by whom they have been paid will not be known to you. The first account you form will be a general one, under the title of loans and subsidies obtained in Europe on account of the United States. The debt of this account you may leave in blank, but the credit side will consist of the sums paid to the use of the United States, and the persons to whom they were paid. Every account of these persons will, of course, be debited in particular accounts, for the respective sums so credited. These sums, then, they are to account for, and where they have paid over to others, such payments are again to be accounted for, until they are traced to a final appropriation, which will be of articles purchased for or services rendered to the United States.

In the course of this investigation, however, it may happen that in some case of payment by one to another the receiver shall not account properly; on which the question will arise, how far the payment is to operate a discharge to the party by whom it was made. This question admits of so many modifications, according to varieties of possible circumstances, that no provision can be made which will be applicable to all. I have therefore thought it best to enclose for your perusal the instructions on this subject to commissioners appointed for settling the old accounts of the civil departments. You will govern yourself by the spirit of these instructions according to circumstances as they arise. I have already observed that the final appropriation of moneys must be traced to articles purchased and services rendered; but such a general distinction would not be sufficiently clear in the stating of accounts; you will place this final appropriation, therefore, under one or other of these following general heads:

1st. *Salaries and expenses of public ministers, commissioners, and agents.* In this account you will charge all moneys advanced to any public servants of the United States in Europe on account of their salaries or expenses.

2d. *Clothier general's department.* In this account you will charge every article of clothing which may have been purchased.

3d. *Commissary of military stores' department.* In this account you will charge all arms, ammunition, and the like.

4th. *Quartermaster-General's department.* In this account you will charge tents, sheet tin for camp kettles, and other articles properly belonging to that department.

5th. *Marine department.* In this you will charge all moneys expended in building or buying ships of war, and fitting them out, with the incidental charges; also all naval stores purchased for the United States and the like.

6th. *Hospital department.* In this you will charge all instruments, medicines, &c., &c., appertaining to that department.

7th. *Merchandise general.* In this you will charge such articles of stores as do not fall within the second, third, fourth, fifth, and sixth heads, if any such there be, and also any articles which you shall be doubtful as to the account they ought to be carried to.

8th. *Transport service.* In this you will charge the purchase, freightment, hire, insurance, and the like, of ships or vessels for the purpose of bringing any articles to America.

9th. *Contingent service.* In this you will charge the expense of land transportation, expresses, storages, and other like articles; also all those things which do not fall properly under some other general head.

10th. *Prisoners and Americans in Europe.* In this you will charge all moneys paid for or to American prisoners or other Americans; taking care to designate and specify these charges and the parties as that those who are able may be called on for repayment. The names and usual places of abode will, as far as they are attainable, be of importance.

11th. *Foreign officers.* In this you will charge all sums advanced or paid to foreign officers coming to or returning from America.

12th. *Interest of debts.* In this you will charge all sums paid on the interest bills of exchange issued from the several loan offices, and any other interest moneys which may have been paid.

13th. *Bills of exchange.* In this you will charge all sums paid on bills of exchange drawn by order of Congress.

It is not impossible that in the course of your business you may find it necessary to raise some other such general accounts, and if so you will raise them accordingly. You will take care to attend strictly to the propriety of all charges made, and to the validity of the vouchers by which they are supported. You will examine very particularly into the accounts of armed vessels fitted out in Europe on account of the United States, especially of those wherein any individuals shall appear to have been interested. And you will bring those persons to account into whose hands any prizes or moneys for the sales of prizes may have come, so that justice may be done as well to the public as to the captors concerned therein.

Whenever you finally settle an account you will take care to be possessed of the several vouchers, which, together with the account, are to be kept in your consular office until further orders; but you will transmit quadruplicate copies of the general accounts by safe conveyances as soon as possible.

I am, sir, your most obedient, &c.,

ROBERT MORRIS.

J. Adams to Dana.\*

PARIS, *December 6, 1782.*

DEAR SIR: You may easily guess from your own feelings what mine may be in communicating to you the intelligence that the preliminary treaty, to be inserted in the definitive treaty, was signed the 30th November by the plenipotentiaries on each side. We have tolerable satisfaction in the Mississippi, the boundaries, and the fisheries, and I hope not much to regret with regard to the Tories or anything else.

Mr. F., Mr. J., and Mr. Laurens, as well as myself, are of opinion that this is the proper time for you to communicate to the ministry where you are your mission. But I believe we shall write you a joint letter upon this subject.

Meantime, I have the honor to be, &c.,

JOHN ADAMS.

Franklin to Vergennes.†

PASSY, *December 6, 1782.*

SIR: I have the honor of returning herewith the map your excellency sent me yesterday. I have marked with a strong red line, according to your desire, the limits of the thirteen United States, as settled in the preliminaries between the British and American plenipotentiaries.

With great respect, etc.,

B. FRANKLIN.

La Fayette to Franklin.‡

ON BOARD THE CENSURE, UNDER SAIL,  
*December 8, 1782.*

MY DEAR SIR: However certain it appears that peace is near at hand, I have thought that personal considerations ought to give way to motives of public utility. I am therefore sailing with the fleet, and until peace is ascertained will continue in promoting the views which you have decided to be the most advantageous to America. In this affair it is useless to observe that my personal interest has been by me entirely given up. God grant this may prove of some service to our noble cause.

In case my return to Paris in a few weeks might be of use, pray give your letter to Count de Vergennes and to Marquis de Castries with a particular recommendation.

My best respects wait upon your colleagues, whom I beg you will acquaint with my departure and the motives of it. My compliments to your grandson and Dr. Bancroft.

Most respectfully, etc.,

LA FAYETTE.

\* 8 J. Adams' Works, 17.

† 8 Bigelow's Franklin, 223.

‡ MSS. Dep. of State.

Laurens to Cornwallis.\*

PARIS, December 9, 1782.

MY LORD: Often since the 31st of May last your lordship must have charged me with want of decency and good manners for a seeming delinquency to an address of that date which your lordship intended to honor me with. The bare apprehension has added to my unhappiness, notwithstanding my feelings of assurance that your lordship will acquit me upon the instant of being informed that only a few minutes have passed since Mr. Oswald called upon me with the letter and an apology for having mislaid and detained it so long.

Believe me, my lord, though I was at a distance from Passy, I was not unmindful of accomplishing your lordship's release from parole in exchange for my discharge. My feelings on that occasion were always alive. I was never satisfied with my own enlargement till I had written pressingly to Dr. Franklin, and had finally delivered my opinion upon an appeal from the Doctor, intimating that he would do "what I should think best." Without a moment's hesitation I signified my ideas both of the expediency and necessity of satisfying the well-grounded expectations of the British ministry. Your lordship will find that the release followed, or that it was the consequence of previous applications on my part, and of Mr. Oswald's assurance that an exchange was expected, that he himself had treated with me while I was a prisoner in the Tower of London for that purpose, by desire of the administration; a fact to which many others might be added, confronting an assertion respecting this affair in a late letter from the British commissioners at New York to General Washington, highly injurious to candor; but as I am sure your lordship could not possibly have been privy to the ground of that transaction, I forbear to enlarge upon the subject; nor do I mean to touch the veracity of the commissioners, who no doubt wrote as they had been instructed. Even the instruction, I charitably hope, was rather the effect of inadvertency than of premeditated *detour*.

I have the honor to be, &c.,

HENRY LAURENS.

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Livingston to the President of Congress.†

OFFICE OF FOREIGN AFFAIRS,

December 9, 1782.

SIR: I have the honor to inform Congress that the minister plenipotentiary of France communicated to me the contents of a letter received on Saturday from Count de Rochambeau, by which he was apprised that the Count, in pursuance of his instructions, had ordered the troops

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\* MSS. Dep. of State; 1 Sparks' Dip. Rev. Corr., 727, with verbal changes.

† MSS. Dep. of State; 6 Sparks' Dip. Rev. Corr., 205.

under his command to embark, and that they were to proceed with the fleet to the islands.

The legion and a detachment of about six hundred men, together with the convalescents, are to remain on the continent. The whole may amount to about sixteen hundred men. The minister further informed me that in consequence of his representations on the subject he had received assurances that such a force should be detached from the West Indies as would be adequate to the protection of the trade upon this coast during the winter.

The enclosed extract of a letter from Boston contains an account of the success of the British in relieving Gibraltar. Though it is not official, it is to be feared it is too well founded.

I have the honor to be, &c.,

ROBERT R. LIVINGSTON.

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J. Adams' Journal of Peace Negotiations—Continued.\*

DECEMBER 9, 1782.

Mr. Oswald came in. We slid from one thing to another into a very lively conversation upon politics. He asked me what the conduct of his court and nation ought to be in relation to America. I answered, the alpha and omega of British policy towards America was summed up in this one maxim, see that American independence is independent, independent of all the world, independent of yourselves as well as of France, and independent of both as well as of the rest of Europe. Depend upon it, you have no chance for salvation but by setting up America very high; take care to remove from the American mind all cause of fear of you; no other motive but fear of you will ever produce in the Americans any unreasonable attachment to the house of Bourbon. "Is it possible," says he, "that the people of America should be afraid of us or hate us?" "One would think, Mr. Oswald," says I, "that you had been out of the world for these twenty years past. Yes, there are three millions of people in America who hate and dread you more than anything in the world." "What," says he, "now we have come to our senses?" "Your change of system is not yet known in America," said I. "Well," says he, "what shall we do to remove those fears and jealousies?" "In one word," says I, "favor and promote the interest, reputation, and dignity of the United States in every thing that is consistent with your own. If you pursue the plan of cramping, clipping, and weakening America, on the supposition that she will be a rival to you, you will make her really so; you will make her the natural and perpetual ally of your natural and perpetual enemies." "But in what instance," says he, "have we discovered such a disposition?" "In the three leagues from your shores and the fifteen leagues from Cape Bre-

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\* 3 Sparks' Dip. Rev. Corr., 724.

ton," says I, "to which your ministry insisted so earnestly to exclude our fishermen. Here was a point that would have done us great harm and you no good; on the contrary, harm; so that you would have hurt yourselves to hurt us; this disposition must be guarded against." "I am fully of your mind about that," says he; "but what else can we do?" "Send a minister to Congress," says I, "at the peace; a clever fellow, who understands himself, and will neither set us bad examples nor intermeddle in our parties. This will show that you are consistent with yourselves; that you are sincere in your acknowledgment of American independence; and that you don't entertain hopes and designs of overturning it. Such a minister will dissipate many fears, and will be of more service to the least obnoxious refugees than any other measure could be. Let the King send a minister to Congress and receive one from that body. This will be acting consistently and with dignity in the face of the universe." "Well, what else shall we do?" says he. "I have more than once already," says I, "advised you to put your ministers upon negotiating the acknowledgment of our independence by the neutral powers." "True," says he, "and I have written about it, and in my answers," said he, laughing, "I am charged with speculation; but I don't care, I will write them my sentiments. I won't take any of their money. I have spent already twelve or thirteen hundred pounds, and all the reward I will have for it shall be the pleasure of writing as I think. My opinion is, that our court should sign the armed neutrality, and announce to them what they have done with you, and negotiate to have you admitted to sign, too. But I want to write more fully on the subject, and I want you to give me your thoughts upon it, for I don't understand it so fully as I wish. What motives can be thrown out to the Empress of Russia? Or what motives can she be supposed to have to acknowledge your independence? And what motives can our court have to interfere or intercede with the neutral powers to receive you into their confederation?" "I will answer all these questions," says I, "to the best of my knowledge and with the utmost candor. In the first place, there has been, with very little interruption, a jealousy between the court of Petersburg and Versailles for many years. France is the old friend and ally of the Sublime Porte, the natural enemy of Russia. France, not long since, negotiated a peace between Russia and the Turks; but upon the Empress' late offers of mediation, and especially her endeavors to negotiate Holland out of the war, France appears to have been piqued, and, as the last revolution in the Crimea happened soon after, there is reason to suspect that French emissaries excited the revolt against the new independent government which the Empress had taken so much pains to establish. *Poland* has been long a scene of competition between Russian and French politics, both parties having spent great sums in pensions to partisans, until they have laid all virtue and public spirit prostrate in that country. *Sweden* is another region of rivalry between France and Russia, where



both parties spent such sums in pensions as to destroy the principles of liberty and prepare the way for that revolution which France favored from a principle of economy rather than any other. These hints were sufficient to show the opposition of views and interests between France and Russia, and we see the consequence of it, that England has more influence at Petersburg than France. The Empress, therefore, would have two motives: one to oblige England, if they should intercede for an acknowledgment of American independence, and another to render America less dependent upon France. The Empress, moreover, loves reputation, and it would be no small addition to her glory to undertake a negotiation with all the neutral courts, to induce them to admit America into their confederacy. The Empress might be further tempted. She was bent upon extending her commerce, and the commerce of America, if it were only in duck and hemp, would be no small object to her. As to the motives of your court, princes often think themselves warranted, if not bound, to fight for their glory; surely, they may lawfully negotiate for reputation. If the neutral powers should acknowledge our independence now, France will have the reputation very unjustly of having negotiated it; but if your court now takes a decided part in favor of it, your court will have the glory of it, in Europe and in America, and this will have a good effect upon American gratitude." "But," says he, "this would be negotiating for the honor and interest of France; for no doubt France wishes all the world to acknowledge your independence." "Give me leave to tell you, sir," says I, "you are mistaken. If I have not been mistaken in the policy of France, from my first observation of it to this hour, they have been as averse to other powers acknowledging our independence as you have been." Mr. Jay joined me in the same declaration. "God!" says he, "I understand it now. There is a gentleman going to London this day; I'll go home and write upon the subject by him."

DECEMBER 10.

Visited Mr. Oswald to enquire the news from England. He had the *Courier de l'Europe*, in which is Mr. Secretary Townshend's letter to the lord mayor of London, dated the 3d instant, in which he announces the signature of the preliminaries, on the 30th of November, between the commissioners of his majesty and the commissioners of the United States of America. He had also the King's speech announcing the same thing.

Mr. Oswald said that France would not separate her affairs from Spain; that he had hoped that America would have assisted them somewhat in compromising affairs with France; and Dr. Franklin, who was present, said he did not know anything of the other negotiations. He said that neither Mr. Fitzherbert nor the Count de Vergennes, nor the Count d'Aranda, communicated anything to him; that he understood the Dutch were farthest from an agreement. Upon this I said,

"Mr. Oswald, Mr. Fitzherbert can't, I think, have any difficulty to agree with M. Brantzen. There are three points, viz., the liberty of navigation, restitution of possessions, and compensation for damages. The liberty of navigation, I suppose, is the point that sticks. But why should it stick? When all nations are agreed in the principle, why should England stand out? England must agree to it, she has already in effect agreed to it; as it affects all nations but Holland and America and, if she were disposed, she could not prevent them from having the benefit." Upon this Dr. Franklin said, "The Dutch would be able in any future war to carry on their commerce, even of naval stores, in the bottoms of other neutral powers." "Yes," says Mr. Oswald, "and I am of opinion that England ought to subscribe the armed neutrality." "Very well," says I, "then let Mr. Fitzherbert agree to this point with M. Brantzen, and let Mr. Harris, at Petersburg, take Mr. Dana in his hand and go to the Prince Potemkin, or the Count d'Osterman and say, the King, my master, has authorized me to subscribe the principles of the armed neutrality, and instructed me to introduce to you Mr. Dana, minister from the United States of America, to do the same. Let him subscribe his name under mine."

At this they all laughed very heartily. Mr. Oswald, however, recollecting himself, and the conversation between him and me yesterday on the same subject, very gravely turned it off by saying "he did not see a necessity to be in a hurry about that; America was well enough." I said "as to restitution of the Dutch territories, I suppose your court will not make much difficulty about that; if this court does not, as it is not probable they will, and as to compensation for damages the Dutch will probably be as easy as they can about that."

Dr. Franklin said he was for beginning early to think about the articles of the definitive treaty. We had been so happy as to be the first in the preliminaries, and he wished to be so in the definitive articles. Thus we parted.

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Carmichael to Livingston.\*

MADRID, *December 10, 1782.*

SIR: On the 5th instant I did myself the honor to address you. To that letter and those of the 29th of October and of the 17th of November I beg leave to refer you for the occurrences during that period.

I have now the pleasure to inform you that I have just been shown a copy in French of a treaty signed the 30th ultimo between the United States and Great Britain by our commissioners and Mr. Oswald, in which the essential objects desired by Congress have been obtained. Not having it in my power to take a copy, I confine myself to inform you that it consists of nine articles, of which the principal are a renun-

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\*MSS. Dep. of State; 5 Sparks' Dip. Rev. Corr., 106, with verbal changes.

ciation, in the strongest terms, of all sovereignty claimed by the King of Great Britain for himself and his successors. A description of the limits of the States agreeably to the ultimata of Congress, as nearly as I can recollect from a cursory perusal; the right of fishery on the Great Bank accorded; the same on the coasts of Nova Scotia, in the Straits of Labrador, and the Gulf of St. Lawrence, with the permission to cure and dry our fish on all the uninhabited parts of Nova Scotia and Labrador, the Islands of Magdalen and those of Newfoundland excepted; with a proviso, that this permission is to cease whenever the said coasts and islands shall be inhabited, unless leave shall be demanded and obtained previously of the inhabitants thereof; a recommendation of Congress to the States in favor of the British who have not borne arms possessing property in America; of the non-residents and loyal inhabitants in the same predicament, &c., &c., &c. But this article depends entirely on the recommendations of Congress, the States being the final arbiters.

Great Britain by this treaty associates the States in their right of a free navigation of the river Mississippi, and also in that of the river St. Mary's. All places belonging to the United States in possession of the enemy to be restored, with the cannon, &c., &c., which shall appear to have been their property, together with the public and private archives which may have fallen into their hands; all conquests made on the one part or the other after the signature to be restored. This treaty is conditional, that is, not to take place until France has concluded a peace with Great Britain. Neither Spain nor Holland are mentioned in it. If political vengeance is ever justifiable, it is on the present occasion. You will pardon the hasty manner in which I write this. A desire of augmenting your sources of information will, I hope, plead my apology. I am much afraid that my situation here will be more disagreeable than ever. I flatter myself that my personal conduct has been such as not to draw upon me personal resentments. I hope, at all events, I have conducted myself in a manner not to have merited censure, if circumstances have not permitted me to acquire approbation. For the rest I have a full reliance on the wisdom of Congress.

I have the honor to be, &c.,

WILLIAM CARMICHAEL.

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Livingston to Luzerne.\*

[Translation.]

PHILADELPHIA, *December 11, 1782.*

SIR: I have received the letter with which you honored me yesterday. I have in consequence the honor of sending you triplicate copies of a letter which I wrote to the Count de Durat, governor of Grenada. Be

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\* 6 Sparks' Dip. Rev. Corr., 103.

pleased to send it to the persons whom it concerns, and to recommend to them to annex to it French copies of their memorial. I hope that it may contribute to their satisfaction. I can only invite the admiralities of our islands to take affairs of this kind into consideration.

I have the honor to be, &c.,

LUZERNE.

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Morris to the President of Congress.\*

OFFICE OF FINANCE, *December 12, 1782.*

SIR: On the 7th of January last Congress were pleased to resolve that it be an instruction to the superintendent of finance to prepare and report to Congress a table of rates at which the different species of foreign coins most likely to circulate within the United States shall be received at the treasury thereof. In consequence of this resolution I took the liberty to recommend the establishment of a mint, which was agreed to. I have taken many steps to carry that resolution into effect and hoped by this time to have laid a satisfactory state of it before Congress. Delays, the causes of which need not be enumerated, have hitherto procrastinated this matter beyond my expectations. But there are many reasons why an immediate regulation of foreign coins should now be made. It is not the least among them that all our dollars are rapidly going to the enemy in exchange for light gold, which must eventually cause a considerable loss and scarcity of silver, which will be severely felt. I take the liberty, therefore, to suggest the following act:

Whereas, by the Articles of Confederation and Perpetual Union, the United States in Congress assembled are vested with the sole and exclusive right and power of regulating the alloy and value of coins struck off by their own authority or by that of the respective States; and whereas the several requisitions on the States and the public accounts of those United States are made and kept in dollars; and whereas it is of importance that until money be coined by authority of the United States, some fixed proportion be established between the different foreign coins most likely to circulate: Be it therefore ordained by the United States in Congress assembled and it is ordained by authority of the same, that from and after the first day of January, in the year of our Lord one thousand seven hundred and eighty-three, English silver coin be received at the rate of one dollar and sixteen ninetieths of a dollar by the ounce; Dutch silver coin at the rate of one dollar and fifteen ninetieths by the ounce; French silver coin at the rate of one dollar and fourteen ninetieths by the ounce; Portuguese silver coin at the rate of one dollar and thirteen ninetieths by the ounce; English, Spanish, and Portuguese gold coin at the rate of sixteen dollars and sixty-eighth ninetieths by the ounce.

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\* MSS. Dep. of State; 6 Sparks' Dip. Rev. Corr., 572.

I take the liberty to observe, sir, that this estimate of coin is founded upon the quantity of alloy which they respectively contain. The weight of each particular piece current among us is so indeterminate that the value by tale can not be fixed ; but whenever the rates at which they go as bullion are known, a table may be formed in each State for the tale according to the customary weight which prevails.

I have the honor to be, &c.,

ROBERT MORRIS.

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Dumas to Livingston.\*

THE HAGUE, *December 12, 1782.*

SIR: Some days ago I was about to prepare a new despatch touching affairs on the carpet here, when an unforeseen event prevented me. It is nothing less than a conspiracy, which might be termed Catalinarian, if there had been an able Cataline in it; but they only had the intention of the Roman, without his sagacity.

We were congratulating ourselves here on the despatches from Paris, which informed the grand pensionary, much to the regret of the conspiracy, of the news of the signing of preliminaries between the ministers of the United States and Great Britain. We were only surprised at the oath of secrecy exacted of the members of the assembly before communicating to them the contents of despatches so well suited to reassure and relieve the nation of the fear which, to excite discontent, it had been industriously endeavored to inspire, that it would be deceived and abandoned by the other powers, when on the 5th and 6th, the festival of St. Nicholas, famous in this country, which they seemed disposed to make another St. Bartholomew's, the conspiracy broke out and failed. Persons were sent about during these two days with the orange cockade in their hats and an address of thanks in their hands applauding the good management of the marine, and at night about thirty men, paid and intoxicated, made a noisy procession through the streets and squares, to endeavor to raise the populace, who, however, would not sign, nor join the seditious, to make an attack, as they foolishly expected, on every person obnoxious to them. Saturday, 7th, they endeavored, in order to renew the scene the following Monday, to gain the peat carriers, who answered that the troubles of 1748 had taught them to be more wise for the future. The evening of the same Saturday they hinted secretly to the pensionaries of Dort and Amsterdam (remaining in the city) that they must not depart on their peril. But they, disregarding the danger, immediately went to require the grand pensionary to convoke an extraordinary assembly on Monday. He obeyed in spite of himself, and despatched couriers during that night.

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\* 5 Sparks' Dip. Rev. Corr., 360.

On Monday morning, the 9th, the assembly adopted by the large majority of sixteen against two cities (la Brille and Enkhuisen), and to the confusion of the nobles and the Stadtholder, who were present, a resolution (a true *quousque tandem*), in which the court and the officers of justice, municipal and provincial, are strongly censured for having looked on without interfering, and in which the provincial court of justice is ordered to prosecute the affair criminally, and the counsellor deputies to provide that for the future like disorders shall not be committed. The same day the provincial court of justice assembled in consequence, and named two commissioners of its own body, and another fiscal, not suspected, to attend to the examination of the conspiracy. The counsellor deputies have likewise named a commission to effect what is enjoined on them. From these two commissions are excluded the old provincial fiscal of justice, who has, besides, a *quasi* gout, and the grand bailiff of The Hague, who, on the part of the nobles, is of the council of deputies, and who prudently declined before rejection, for both are under censure by the resolution.

The court, alarmed at the consequences which they feared from all this, engaged M. Thulemeyer, envoy of Prussia, to act for them, who, in continuation of a certain measure, which he took about two months ago by order of his court, has been this morning to the deputies of Dort, Haerlem, Amsterdam, and Rotterdam, to tell them "that his majesty has learned with displeasure the dissensions which have place in the republic; that, *without wishing to meddle in the domestic affairs of the republic*,"\* the interest that his majesty takes equally in the welfare of their high mightinesses and of the Prince, his kinsman, does not permit him to look with indifference on any diminution of the rights of the Stadtholder, and that he would guaranty that this Prince should not abuse his prerogatives; and he hoped by this step that harmony would be re-established." Amsterdam has answered, "That they were surprised to find the King so misinformed; that, for themselves, they did not know that they had ever diminished the rights of the Stadtholder, and that the Stadtholder himself had never complained of it to the States; that this would no doubt have been done if the fact had been true; that, as for the rest, they would write to their city what the envoy had said to them, that it might, if it should judge proper, write directly to the King, to inform him better, and put his majesty also in a way to know those who had thus imposed on him."

This answer evidently confounded the envoy. The other cities have answered the same in substance.

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\* The expression in italics was added by the envoy in his address to the gentlemen of Amsterdam and Rotterdam, because those of Dort asked him if the King pretended to meddle in the domestic concerns of the republic! Haerlem was not able to receive him.—SPARKS.

DECEMBER 13.

The committee charged with arrangements for sending a minister of the republic to the United States made its report yesterday to the assembly of the States of Holland, the members of which took it *ad referendum*. This minister is to have twenty thousand florins per annum and ten thousand for his outfit.

This morning the committee of five has returned again to the Prince.

The resolution of Zealand, that the prisoner Witte should be delivered to the provincial court, is received, and the Prince will yield.

The deliberation on the circular letter of Friesland, interrupted by the disturbance, which in history may be denominated the *Cockade Conspiracy*, to distinguish it from that of the *Gunpowder Plot*, will be resumed next week.

I am, sir, &c.,

DUMAS.

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Jay to Livingston.\*

PARIS, December 12, 1782.

DEAR SIR: I have already written a long letter to you by this vessel, and should have continued the details of our subsequent proceedings had my health admitted of the necessary application.

You will receive from us a joint letter, with a copy of the preliminaries. I shall therefore omit making any remarks on them.

Before I left Spain, and by letters since my arrival here, I desired Mr. Carmichael to make out and transmit the public accounts. Our negotiations with that court are at a stand. The Count d'Aranda either has not or does not choose to show me a commission to treat. He is exceedingly civil, and frequent visits pass between us.

It gives me pleasure to inform you that perfect unanimity has hitherto prevailed among your commissioners here, and I do not recollect that since we began to negotiate with Mr. Oswald there has been the least division or opposition between us. Mr. Adams was particularly useful respecting the eastern boundary, and Dr. Franklin's firmness and exertions on the subject of the Tories did us much service. I enclose herewith a copy of a letter he wrote about that matter to Mr. Oswald.† It had much weight, and is written with a degree of acuteness and spirit seldom to be met with in persons of his age.

I have the honor to be, with great regard and esteem, dear sir, &c.,

JOHN JAY.

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\* MSS. Dep. of State; 4 Sparks' Dip. Rev. Corr., 524.

† See Franklin to Oswald, November 26, 1782.

Adams, Franklin, and Jay to Dana.\*

PARIS, *December 12, 1782.*

SIR: We have the honor to congratulate you on the signature of the preliminary treaty of peace between his Britannic majesty and the United States of America, to be inserted in the definitive treaty when France and Britain shall have agreed upon their terms. The articles, of which we do ourselves the honor to enclose you a copy, were completed on the 30th of last month.

To us, at this distance, the present opportunity appears to be the most favorable for you to communicate your mission to the ministers of the Empress of Russia and to the ministers of the other neutral powers residing at her court, and if you have no objections we presume you will wish to be furnished with the enclosed paper to communicate at the same time.

We heartily wish you success, and if you should inform us of a fair prospect of it, we shall propose an article in the definitive treaty to secure the freedom of navigation, according to the principles of the late marine treaty between the neutral powers.

With great respect, we have the honor to be, &c.,

JOHN ADAMS.

B. FRANKLIN.

JOHN JAY.

Adams, Franklin, Jay, and Laurens to Livingston.

PARIS, *December 14, 1782.*

SIR: We had the honor to congratulate Congress on the signature of the preliminaries of a peace between the crown of Great Britain and the United States of America, to be inserted in a definitive treaty so soon as the terms between the crowns of France and Great Britain shall be agreed on. A copy of the articles is here enclosed, and we can not but flatter ourselves that they will appear to Congress, as they do to all of us, to be consistent with the honor and interest of the United States; and we are persuaded Congress would be more fully of that opinion if they were apprized of all the circumstances and reasons which have influenced the negotiation. Although it is impossible for us to go into that detail, we think it necessary, nevertheless, to make a few remarks on such of the articles as appear most to require elucidation.

#### REMARKS ON ARTICLE 2, RELATIVE TO BOUNDARIES.

The court of Great Britain insisted on retaining all the territories comprehended within the Province of Quebec by the act of Parliament respecting it. They contended that Nova Scotia should extend to the

\* 5 Sparks' Dip. Rev. Corr., 471.

† MSS. Dep. of State: 5 Sparks' Dip. Rev. Corr. 472, with verbal changes; 8 J. Adams' Works, 18.



river Kennebec; and they claimed not only all the lands in the western country and on the Mississippi which were not expressly included in our charters and governments, but also all such lands within them as remained ungranted by the King of Great Britain. It would be endless to enumerate all the discussions and arguments on the subject.

We knew this court and Spain to be against our claims to the western country, and having no reason to think that lines more favorable could ever have been obtained, we finally agreed to those described in this article; indeed they appear to leave us little to complain of and not much to desire. Congress will observe that, although our northern line is in a certain part below the latitude of forty-five, yet in others it extends above it, divides the Lake Superior, and gives us access to its western and southern waters, from which a line in that latitude would have excluded us.

#### REMARKS ON ARTICLE 4, RESPECTING CREDITORS.

We have been informed that some of the States had confiscated British debts; but although each State has a right to bind its own citizens, yet in our opinion it appertains solely to Congress, in whom exclusively are vested the rights of making war and peace, to pass acts against the subjects of a power with which the Confederacy may be at war. It therefore only remained for us to consider whether this article is founded in justice and good policy.

In our opinion no acts of government could dissolve the obligations of good faith resulting from lawful contracts between individuals of the two countries prior to the war. We knew that some of the British creditors were making common cause with the refugees and other adversaries of our independence; besides, sacrificing private justice to reasons of state and political convenience is always an odious measure; and the purity of our reputation in this respect in all foreign commercial countries is of infinitely more importance to us than all the sums in question. It may also be remarked that American and British creditors are placed on an equal footing.

#### REMARKS ON ARTICLES 5 AND 6, RESPECTING REFUGEES.

These articles were among the first discussed and the last agreed to. And had not the conclusion of this business at the time of its date been particularly important to the British administration, the respect which both in London and Versailles is supposed to be due to the honor, dignity, and interest of royalty would probably have forever prevented our bringing this article so near to the views of Congress and the sovereign rights of the States as it now stands. When it is considered that it was utterly impossible to render this article perfectly consistent both with American and British ideas of honor, we presume that the middle line adopted by this article is as little unfavorable to the former as any that could in reason be expected.

As to the *separate article*, we beg leave to observe that it was our policy to render the navigation of the river Mississippi so important to Britain as that their views might correspond with ours on that subject. Their possessing the country on the river north of the line from the Lake of the Woods affords a foundation for their claiming such navigation. And as the importance of West Florida to Britain was for the same reason rather to be strengthened than otherwise, we thought it advisable to allow them the extent contained in the *separate article*, especially as before the war it had been annexed by Britain to West Florida, and would operate as an additional inducement to their joining with us in agreeing that the navigation of the river should forever remain open to both. The map used in the course of our negotiations was Mitchell's.

As we had reason to imagine that the articles respecting the boundaries, the refugees, and fisheries did not correspond with the policy of this court, we did not communicate the preliminaries to the minister until after they were signed, and not even then the *separate article*. We hope that these considerations will excuse our having so far deviated from the spirit of our instructions. The Count de Vergennes, on perusing the articles, appeared surprised, but not displeased, at their being so favorable to us.

We beg leave to add our advice that copies be sent us of the accounts directed to be taken by the different States of the unnecessary devastations and sufferings sustained by them from the enemy in the course of the war. Should they arrive before the signature of the definitive treaty, they might possibly answer very good purposes.

With great respect, we have the honor to be, sir, your most obedient and most humble servants,

JOHN ADAMS,  
B. FRANKLIN,  
JOHN JAY,  
HENRY LAURENS.

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J. Adams to Livingston.\*

PARIS, *December 14, 1782.*

SIR: There is more matter than time to write at present. The King of Sweden has done the United States great honor in his commission to his minister here to treat with them, by inserting that he had a great desire to form a connexion with States which had so fully established their independence and by their wise and gallant conduct so well deserved it, and his minister desired it might be remembered that his sovereign was the first who had voluntarily proposed a treaty with us.†

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\* MSS. Dep. of State ; 4 Sparks' Dip. Rev. Corr., 3.

† See on this subject, Franklin to Livingston, June 25, 1782.

Mr. Secretary Townshend announced, on the 3d of December, in a letter to the lord mayor, the signature of our preliminaries. On the 5th his majesty announced it in his speech to both Houses. Addresses of thanks in both Houses passed without a division.

There is a note in the *Courier de l'Europe* of the 6th instant worth transcribing, viz: "We mark these three lines in italics, to notice at present the assertion, which we shall consider more fully hereafter, that we do not owe to any of the causes assigned at present, even in the two Houses of Parliament, the peace, the blessings of which we consider as certain, but to the armed neutrality. This peace will be durable."

I have transcribed this note, because it falls in with an opinion that I have long entertained. The armed neutrality, and even Mr. Dana's mission to it, have had greater effects than the world is yet informed of, and would have had much greater if his hands had not been tied.\*

On the 4th instant I wrote a resignation of all my employments in Europe, which I have now the honor to confirm, and to request that the acceptance of it may be transmitted to me several ways by the first ships.

I have the honor to be, &c.,

JOHN ADAMS.

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Franklin to Morris.†

PASSY, December 14, 1782.

SIR: I received duly your several letters by Captain Barney, and the one of October 27th since. I immediately made the application, so strongly pressed by the Congress, for a loan of four millions of dollars. I annexed to my memoir the resolves of Congress, with copies and extracts of your several letters and those of Mr. Livingston upon the subject, all of which appeared to me extremely well written for enforcing the request. I was at last told that it would be a difficult thing to furnish such a sum at present, but it would be considered. It was much wondered at that no letters were brought by the *Washington* for Count de Vergennes, as several were come to the secretary of war, M. de Ségur, and to the Marquis de Castries, secretary of the marine; and

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\* How entirely mistaken this is is shown by the first volume of the *Memoirs* of the first Lord Malmesbury. He, when Sir James Harris, was British minister at St. Petersburg, and his letters show that even after peace was declared Dana was refused a reception by the Empress, and that during the war pressure on his part for recognition would have met with a repulse as mortifying as that given in Prussia to William Lee. At this particular period Prussia and Russia were acting in close concert and with the same foreign policy, and while willing to see England defeated, had no desire to recognize what they considered an insurrection until it was formally recognized by the parent state.

†9 Sparks' Franklin, 445; 8 Bigelow's Franklin, 224.

the next time I waited on the minister I was told that nothing could be done till the despatches from M. de la Luzerne were received.

I inquired of Captain Barney, who told me he believed M. de Forest had them, who left him to go to Paris by way of Nantes.

M. de Forest was a week or ten days before he arrived at Paris, and he had not the despatches.

After a fortnight had thus passed I sent Captain Barney down to search for them in his ship. He there found them, and in about eight days more they arrived and were delivered. I have since continually pressed for a favorable answer. The Marquis de la Fayette has likewise been importunate, but we could only learn that there was yet no decision. The negotiations for peace were going on, and I ascribed the delay partly to the uncertainty of the event, which might make a less sum sufficient if it succeeded, or a greater necessary, if the war was still to be continued. I believe, too, that the new loan meditated for this government, but not ascertained, might cause some suspension. But whatever are the causes, the fact is that though I understand we are to be aided, I am still ignorant what the quantum will be, or when it can be obtained. I have detained Captain Barney, hoping he might carry a part of it; but seeing that so very uncertain, the commissioners for the treaty here urge me to send him away with the preliminary articles, and take some other opportunity of sending money when we get it. Perhaps we can make use of the *Alliance*, which is now out upon a cruise.

Of the amount of Mr. Adams' loan in Holland I have no certain account. He thinks it may be between one million five hundred thousand and one million seven hundred thousand florins. Mr. Grand obtained a part of it to pay the interest of the Dutch loan, which is done. But he will acquaint you better with the state of his funds than I can do. He tells me he will restate his accounts as you desire.

The shipping of the stores from Brest is wholly in the hands of Mr. Barclay. He will likewise take care of those which are unloaded out of the three transports at Rochefort, that were to have gone with convoy in May last, and have ever since been detained there unaccountably, which I did not know until lately. The four Jamaica ships, brought in by the *Alliance*, will furnish him with money for paying charges.

The accounts of goods brought to replace the *Fayette's* cargo have been sent you by several opportunities; I hope you have them by this time.

I am extremely glad to be freed from your money accounts and the payment of bills, and I hope this will be the last application I shall be charged with to borrow. In a former letter I requested you to be attorney to receive and remit my salary, which I now repeat. The friends of the Duke de Lauzun, who is an officer in the French army, having occasion to send him some money, requested me to furnish bills. To

oblige them I gave a draft on you for six thousand livres, which I request you would honor and deduct the same out of my salary. Methinks Mr. Grand should have some general order to defray the contingent expenses of your ministers. I am concerned that the resolution of appointing a person to settle all our accounts in Europe has not yet been carried into execution. They certainly can not be so well settled in America, and I shall think it hard, after I am out of place, to be detained here on their account for years, like poor, unhappy Deane, who, by the way, is, I think, in that respect hardly dealt with. Settlement of accounts and payment of just balances are due even between enemies.

I know not where the Virginia stores lie. I will inquire and acquaint Mr. Barclay with your resolution concerning them, which I think very prudent.

Penet, who was employed by that State as an agent to borrow money here, is broke and absconded. His creditors are all worrying me with their complaints, who have nothing to do with his affairs. I have long since mentioned the inconvenience of the attempts of separate States to borrow money in Europe. They have hurt our credit, and produced nothing. We have put faith in every adventurer who pretended to have influence here, and who when he arrived had none but what our appointment gave him.

I congratulate you on the tokens of approaching peace. I wish nothing may happen to prevent it.

With sincere and great esteem, I am, sir, etc.,

B. FRANKLIN.

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Jay to Livingston.\*

PARIS, *December 14, 1782.*

DEAR SIR: From our preliminaries and the King's speech the present disposition and system of the British court may in my opinion be collected. Although particular circumstances constrained them to yield us more than perhaps they wished, I still think they meant to make (what they thought would really be) a satisfactory peace with us. In the continuance of this disposition and system too much confidence ought not to be placed, for disappointed violence and mortified ambition are certainly dangerous foundations to build implicit confidence upon, but I can not forbear thinking that we ought not, in the common phrase, to throw cold water upon it by improper exultation, extravagant demands, or illiberal publications; should such a temper appear, it would be wise to discountenance it. It is our policy to be independent in the most extensive sense, and to observe a proper distance towards all nations, minding our own business, and not interfering with, or being influenced by, the views of any, further than they may respect us.

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\* 2 Jay's Life, 109.

Some of my colleagues flatter themselves with the probability of obtaining compensation for damages. I have no objections to a further trial, but I confess I doubt its success, for Britain has no money to spare, and will think the confiscations should settle that account, for they do not expect that retribution will be made to all.

Our affairs have a very promising aspect, and a little prudence will secure us all that we can reasonably expect. The boundaries between the States should be immediately settled, and all causes of discord between them removed. It would be imprudent to disband the army while a foreign one remains in the country, and it would be equally unwise to permit Americans to spill the blood of our friends in the islands, for in all of them there are many who wish us well. The sale of the continental lands would, if properly regulated and appropriated to that purpose, form a fund on which we might borrow money, especially if foreigners could see good reason to rely on our good faith, which, by being in certain instances violated, has lost much of its credit. I allude particularly to the interest on loan-office certificates and the publications in our papers on that subject, which do us harm in Europe. Adieu.

I am, &c.,

JOHN JAY.

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Franklin to Vergennes.\*

PASSY, December 15, 1782.

SIR: I have the honor to acquaint your excellency, that our courier is to set out to-morrow at 10 o'clock with the despatches we send to Congress by the *Washington*, Captain Barney, for which ship we have got a passport from the King of England.† If you would make any

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\*MSS. Dep. of State; 2 Sparks' Dip. Rev. Corr., 402; 9 Sparks' Franklin, 448; 8 Bigelow's Franklin, 227.

†COPY OF A PASSPORT GIVEN TO THE SHIP WASHINGTON TO CARRY OVER THE PRELIMINARY ARTICLES.

George the Third, by the grace of God King of Great Britain, France, and Ireland, defender of the faith, and so forth, to all admirals, vice-admirals, captains, commanders of our ships of war or privateers, governors of our forts and castles, custom-house comptrollers, searchers, &c., to all and singular our officers and military and loving subjects whom it may concern, greeting: Our will and pleasure is, and we do hereby strictly charge and require you, as we do likewise pray and desire the officers and ministers of all princes and states in amity with us, to permit and suffer the vessel called the *Washington*, commanded by Mr. Joshua Barney, belonging to the United States of North America, to sail from either of the ports of France to any port or place in North America, without any let, hindrance, or molestation whatever; but, on the contrary, affording the said vessel all such aid and assistance as may be necessary.

Given at our court of St. James the tenth day of December, 1782, in the 23d year of our reign.

By his majesty's command.

T. TOWNSEND.

use of this conveyance, the courier shall wait upon you to-morrow at Versailles and receive your orders.

I hoped I might have been able to send part of the aids we have asked by this safe vessel. I beg that your excellency would at least inform me what expectations I may give in my letters. I fear the Congress will be reduced to despair when they find that nothing is yet obtained.

With the greatest and most sincere respect, I am, sir, your excellency's most obedient and most humble servant,

B. FRANKLIN.

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H. Laurens to Livingston.\*

PARIS, *December 15, 1782.*

SIR: I have had the honor of receiving at several times your official despatch No. 1, of September 17th, its duplicate, and the undermentioned acts of Congress:

*Of the 14th of September.* Public moneys committed to the disposal of the superintendent of finance.

*17th of September.* Enjoining the attendance of the ministers plenipotentiary for treating with Great Britain.†

*3d of October.* On the communication from the minister of France.

*17th.* Enjoining American ministers to transmit intelligence.

An extract of a letter from Sir Guy Carleton of the 12th of September.

To which several acts I shall observe the utmost respect and obedience.

Upon the receipt of that of the 17th of September, without questioning the right of Congress to compel the service of a citizen of America who had neither solicited nor accepted a commission, I proceeded with all the despatch which a very infirm state of health would admit of, and by traveling night and day arrived here not only time enough to sign the preliminary articles, but in time to offer suggestions which my colleagues were pleased to accept and adopt as necessary

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\* MSS. Dep. of State; 1 Sparks' Dip. Rev. Corr., 728.

† IN CONGRESS, *September 17, 1782.*

*Resolved*, That the honorable Henry Laurens be informed, in answer to his letter of the 30th of May, 1782, that, the reasons, which induced the United States in Congress assembled to appoint him to be one of their ministers plenipotentiary for negotiating a peace still existing, his services in the execution of that trust can not be dispensed with.

*Resolved*, That the honorable John Adams, Benjamin Franklin, John Jay, and Henry Laurens be respectively informed that it is the pleasure and express direction of Congress that they punctually attend and assist in the negotiations for peace, and that each of them be instructed, upon receiving information of the time and place appointed for opening the negotiations, immediately to give notice thereof to the rest that may be in Europe, in order that each may have a seasonable opportunity to take part in the trust reposed by the said commission and earnestly enjoined by this act.

I had considered my residence in England not only as proper for recovering my health, but also as essential to the service of the United States. I embraced various opportunities of informing the people in general of the ground and nature of the dispute between the two countries, of which they had been amazingly ignorant, of contradicting false reports respecting America, and of convincing some of the most intelligent, as well as some of the most adverse, to the doctrine that a full acknowledgment of our independence was consistent with and would eventually contribute to promote the true interest of Great Britain, and I have some ground for believing that my labors in some degree facilitated the great business which has been just completed, a formal acknowledgment from the King, and a full renunciation of all claim upon the United States, and I humbly think if I were in England at this moment I might be of more real service to my country than I can possibly perform in my present situation.

I thank you, sir, for the newspapers. The melancholy intelligence which they contained *for me* must have reached me by some means. Your mode of conveying it was delicate and obliging. I have received value for the bills which had been sent to Dr. Franklin on my account, more particularly acknowledged in my letter of yesterday to Mr. R. Morris. My thanks are also due for your trouble in stating my account. A charge for commission shall be most cheerfully admitted, but it is impracticable to comply with your recommendation by sending a statement of my demand, because I am ignorant of the vote of Congress for my salary under both the old and new commission; nor is it needful, as I mean not to take up a further sum while I am in Europe. Indeed, if the late remittance had not been made, I should have persevered in paying my expenses from my own funds. I too well know the distresses of Congress arising from a want of money, and therefore most earnestly wish to avoid adding to them. Enclosed you will find a loose receipt for the 20,000 livres, but it is not in my power to be special in the discharge.

Casting my eye this moment over the joint letter of the American ministers, I perceive Congress are not there informed of a letter we have despatched to Mr. Dana, at the court of St. Petersburg, recommending to him to announce at that court and to foreign ministers resident there the signing of the preliminary articles between Great Britain and the United States; a copy of which, the separate article excepted, has been transmitted to him for that purpose. I could not refrain from giving this intimation, lest it should have escaped us all. This is not to be doubted, that recognitions by applications for commercial and perhaps other treaties will speedily follow from almost all the courts of Europe. There is already an instance in one of the principal trading kingdoms in the Baltic.

Shall I request the favor of you, sir, with this to lay before Congress the enclosed copy of a letter which I had occasion to write to the Earl of Cornwallis on the 3d instant. It may tend to throw light upon the



transaction in exchanging that officer, which I perceive has been very unfairly represented by the British commissioners at New York. When Congress are informed of the precarious state of my health, and shall be pleased to reflect upon the long sufferings I have endured, that I have devoted almost the whole of my time for eight years past to the service of my country, detached from, and regardless of, my domestic interests; and when they consider the very severe stroke lately fallen upon me by the death of my eldest son, and the dispersion of the survivors in my family, for whom it is necessary I should endeavor to re-provide a home, I am confident my present determination to return to Bath, the only place in which I can hope to recover a part of my broken constitution, as soon as I can be spared from present duty, and from thence to America in March or April next, will not give offence. I shall, indeed, be much better pleased to receive in the mean time, and therefore now earnestly solicit, a formal permission, than to hazard their displeasure by an act which, however necessary and unavoidable, may possibly be construed into an abandonment of their service, or even a slight of their orders.

I have the honor to be, &c.,

HENRY LAURENS.

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**Vergennes to Franklin.\***

[Translation.]

VERSAILLES, *December 15, 1782.*

SIR: I can not but be surprised, sir, that after the explanation I have had with you and the promise you gave that you would not press the application for an English passport for the sailing of the packet *Washington*, that you now inform me you have received the passport, and that at 10 o'clock to-morrow morning your courier will set out to carry your despatches. I am at a loss, sir, to explain your conduct and that of your colleagues on this occasion. You have concluded your preliminary articles without any communication between us, although the instructions from Congress prescribe that nothing shall be done without the participation of the King. You are about to hold out a certain hope of peace to America without even informing yourself on the state of the negociation on our part.

You are wise and discreet, sir; you perfectly understand what is due to propriety; you have all your life performed your duties. I pray you to consider how you propose to fulfill those which are due to the King? I am not desirous of enlarging these reflections; I commit them to your own integrity. When you shall be pleased to relieve my uncertainty I will entreat the King to enable me to answer your demands.

I have the honor to be, sir, with sincere regard, your very humble and obedient servant,

VERGENNES.

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\* 2 Sparks' Dip. Rev. Corr., 403.

Livingston to the President of Congress.\*

PHILADELPHIA, *December 16, 1782.*

SIR: I have the honor to enclose for the inspection of Congress a short letter from Mr. Jay, which contains important information and explains some passages in Dr. Franklin's letters. Unless the commission given to Mr. Fitzherbert on the 24th of July is revoked it will be difficult to account for Mr. Oswald's being appointed to treat with the thirteen United States, unless we suppose either that his powers are more limited, or that the British administration design to treat under the mediation of some neutral prince upon the plan proposed by the imperial courts, so as that the negotiations with America may be distinct from those with the other belligerent powers.

Just as I was closing this a private letter from Mr. Jay was delivered on the 4th of September, which contains the following remarkable passage: "I am preparing a map to show you the line which Count d'Aranda proposes for our western boundary. It will not be finished in time for this conveyance. I am persuaded it is best for us to take time. My further reasons shall be explained at large in a future letter, which I shall begin as soon as my health will permit." He adds, "that Spain has issued more bills, and that the depreciation has increased." I delay reporting on the passage in Dr. Franklin's letter relative to the demands of Spain, as there is no immediate opportunity of writing to Europe, and as I am in hourly expectation of receiving something more particular on this subject.

I have the honor to be, &c.,

ROBERT R. LIVINGSTON.

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Dumas to Livingston.†

THE HAGUE, *December 17, 1782.*

SIR: This morning the minister of Prussia, M. Thulemeyer, has again visited the deputies of the eighteen cities of Holland, to inform them of a memorial which he has presented to their high mightinesses against a certain libel, in which, among other calumnies, is an insinuation that the Princess attempted to imitate the conduct of a certain empress in relation to her husband.

It has been replied to him, "that their noble and grand mightinesses, as well as their high mightinesses, had long since done everything in their power against libels by severe placards; that the further measures which seemed to be expected of them, and which [perhaps were suitable enough in arbitrary governments, could not be adopted in this republic, of which the liberty of the press is the palladium; that it is

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\* MSS. Dep. of State; 6 Sparks' Dip. Rev. Corr., 206.

† 5 Sparks' Dip. Rev. Corr., 363.

like every other good thing, the use of which is free to all, and the abuse subject to the animadversion of the bailiffs and fiscals; that the minister knows how lately their noble and grand mightinesses have had reason to complain of the negligence of those officers of justice; that the Princess, the Prince, and the whole house of Orange, more nearly connected with them than with the King, his master, did not need any foreign commendation to make themselves beloved and respected by the nation and protected by the sovereign," &c.

DECEMBER 21.

The three ostensible excitors of the *Cockade Conspiracy*, protected by an invisible hand, have escaped from justice, and fled to Cranenberg, a village in the Duchy of Cleves. The court having sent its officers to arrest them at the peril of the complainants, the regency of Cleves, contrary to the law of nations, has refused to allow the arrest. This morning the States held an extraordinary session to deliberate on the subject, and notwithstanding the opposition of the nobles, adopted a resolution requiring the court of justice to make a solemn demand of the fugitives at Cleves in the name of the sovereign. On Friday next a letter will be addressed on this subject directly to the King of Prussia and Duke of Cleves.

The grand bailiff of Utrecht (Count d'Athlone) has lost, with costs of suit, his case against the editor of a weekly newspaper (*de Post van den Neder-Rhein*), which for about two years has produced a wonderful impression on the nation. This is a brilliant victory of the patriots over their enemies. Some of the expressions which have given offence were, *Là brouette va de travers ; qu'il y a une main invisible qui gâte tout*, &c.

In Friesland the majority of the eleven cities, which form the fourth quarter of the sovereignty, have annulled the influence of the court on the appointment of their circuits. Thus the resolution of the Province, so disagreeable to the court, will be unanimous.

DECEMBER 24.

I have just been confidentially informed, on condition of my writing an account of the fact to my friends at Dort and Amsterdam, that this morning the Prince went to declare to their high mightinesses that, on the resolution of Zealand, taken on the report of the court of justice, although there was much to be said relative to that report, he was ready, under leave of their high mightinesses, to transfer the prisoner Witte from the hands of the high council of war to those of the court of justice. On which the grand pensionary first protested with a loud voice that it was necessary to wait till Friday for the resolution of the sovereign thereon; and then, in a low voice, he intimated to the president that it might be done by a majority. The prisoner will therefore be transferred to-night.

On Wednesday last a courier despatched from hence to anticipate the demand of the court of justice arrived at Cleves the same night,

caused the gates to be opened, the three conspirators, who were abed, to be called, conducted them hastily out by the other gate, and after going some distance on foot stowed them away in a carriage, which, according to appearances, carried them to Hanover.

DECEMBER 26.

The accompanying note I sent to M. Van der Hoop, fiscal of the admiralty of Amsterdam, in consequence of the request presented at Amsterdam by the agents of an American letter of marque. My demand of a passport for these people, to protect them from being made prisoners when ashore, has been granted. I congratulate myself that my first public measure has been, like all my other measures, *secundum libertatem*. It has been suggested to me to make another against a certain libel, "*The Magic Lantern*," in which America and her worthy plenipotentiary here have been roughly handled. I replied that I would do nothing which could afford any pretext for violating the liberty of the press, of which the present instance of abuse deserved only contempt.

I am, &c.

DUMAS.

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Franklin to Vergennes.\*

PASSY, December 17, 1782.

SIR: I received the letter your excellency did me the honor of writing to me on the 15th instant. The proposal of having a passport from England was agreed to by me the more willingly, as I at that time had hopes of obtaining some money to send in the *Washington*, and the passport would have made its transportation safer, with that of our despatches, and of yours also if you had thought fit to make use of the occasion. Your excellency objected, as I understood it, that the English ministers, by their letters sent in the same ship, might convey inconvenient expectations into America. It was therefore I proposed not to press for the passport till your preliminaries were also agreed to. They have sent the passport without being pressed to do it, and they have sent no letters to go under it, and ours will prevent the inconvenience apprehended. In a subsequent conversation your excellency mentioned your intention of sending some of the King's cutters, whence I imagined that detaining the *Washington* was no longer necessary; and it was certainly incumbent on us to give Congress as early an account as possible of our proceedings, who will think it extremely strange to hear of them by other means without a line from us. I acquainted your excellency, however, with our intention of despatching that ship, supposing you might possibly have something to send by her.

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\*28 Sparks' Dip. Rev. Corr., 404; 9 Sparks' Franklin, 450; 8 Bigelow's Franklin, 229.

Nothing has been agreed in the preliminaries contrary to the interests of France; and no peace is to take place between us and England till you have concluded yours. Your observation is, however, apparently just, that in not consulting you before they were signed, we have been guilty of neglecting a point of *bienséance*. But as this was not from want of respect to the King, whom we all love and honor, we hope it will be excused, and that the great work, which has hitherto been so happily conducted, is so nearly brought to perfection, and is so glorious to his reign, will not be ruined by a single indiscretion of ours. And certainly the whole edifice sinks to the ground immediately if you refuse on that account to give us any further assistance.

We have not yet despatched the ship, and I beg leave to wait upon you on Friday for an answer.

It is not possible for any one to be more sensible than I am of what I and every American owe to the King for the many and great benefits and favors he has bestowed upon us. All my letters to America are proofs of this; all tending to make the same impressions on the minds of my countrymen that I felt in my own. And I believe that no prince was ever more beloved and respected by his own subjects than the King is by the people of the United States. *The English, I just now learn, flatter themselves they have already divided us.* I hope this little misunderstanding will therefore be kept a secret, and that they will find themselves totally mistaken.

With great and sincere respect, I am, sir, your excellency's most obedient and humble servant,

B. FRANKLIN.

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Livingston to Dana.

PHILADELPHIA, December 17, 1782.

SIR: Your distance, and the difficulty of conveying letters to you, make it proper at times to take a retrospective view of what has passed, and by that means of supplying in part such despatches as may have miscarried.

The last year closed with important advantages gained over the southern States. The winter was unproductive of any events in this country that merit your attention [unless you number as such those new instances of the cruelty and vindictive spirit of the enemy, which they still continue to discover, though the field upon which they were permitted to act was very much contracted; among these the death of Captain Huddy has been most distinguished, not because it was singular, but because it called forth the resolution to retaliate. I have mentioned this transaction in some of my letters. You will find a more

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\* MSS. Dep. of State; 4 Sparks' Dip. Rev. Corr., 653, with verbal changes and omissions.

minute account of it, and of the reasons which induced Congress at length to discharge Captain Asgill in the enclosed paper No. 1].\*

The alteration in the British system of warfare in this country, in consequence of their reduced strength, and in pursuance of the victory obtained by opposition in the House of Commons has rendered the campaign inactive on the part of the enemy, and the few posts they possessed were so well fortified and garrisoned as to render an attack by us, without the assistance of a fleet, very hazardous. The reasons we had to hope for such assistance kept us from taking measures to act offensively in proper time. But though the summer has passed off without any brilliant military exploit, it has by no means been unemployed. Such attention has been paid during these moments of leisure to the discipline of the troops and recruiting the army, that they are at this time more numerous than they have been at any period during the war. So perfect are the officers and men in every military manœuvre that we may, I believe without vanity, boast to have an army not inferior to any in Europe. We should not know how to give this praise to our troops but from the facility with which every foreigner gives it, notwithstanding national prejudices.

Among the military events which mark this year are the evacuation of Savannah, and the measures taken for abandoning Charleston. The poor wretches whom fear or interest led to join the enemies of their country, find themselves sufficiently punished to merit even our pity. With blasted characters and ruined fortunes they are seeking new habitations under the line or near the pole. Numerous cargoes of them are sent to the West Indies and Halifax, to St. Augustine and Penobscot.

But it is of moment to you to be acquainted with the political character of your country and their sentiments with respect to the faith that is due to treaties. By knowing how far you can rely upon them yourself you acquire a degree of confidence in making engagements for them, and you can venture to pronounce upon their conduct on every trying occasion without waiting for intelligence from this side of the Atlantic. You need not be told that the British nation, suffering themselves to be deceived by their wishes, and misled by the misrepresentations of those that were interested in the continuance of the war, have believed, or at least pretended to believe, that a majority of the people wished well to their cause. Neither our forms of governments, which gave their partizans annually an opportunity to declare their sentiments, and if most numerous to change their rulers, nor the number that repaired to their standard when hoisted in eleven of the thirteen States; neither the determined and successful opposition hitherto given to the forty thousand heralds, which they sent to proclaim their champion, encourage his friends and bid defiance to his foes, had sufficed to cure them of this delusive hope. They still imagined that a few kind words

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\* Passage in brackets omitted in Sparks' ed.

would close the wounds that they had seven years been widening. General Carleton was sent over to speak to them. So little doubt had he that they would be well received that he was about to send out Mr. Morgan, his secretary, without soliciting a passport, and was much surprised when Colonel Livingston, who was then a prisoner, informed him that he would be stopped at the first post; and still more so when upon a subsequent application he found that Congress refused to have any intercourse with him, and referred all negotiations to Europe, where they could treat in conjunction with their allies.

But nothing serves more strongly to show the little confidence the people of this country have in the promises of Great Britain, and their fixed determination not to break their engagements with their allies, than the resolutions passed on the subject by the respective legislatures without consulting each other and independent of directions from Congress; it proves beyond contradiction to those who know how our legislatures are formed, and the frequency of their elections, that these sentiments are the sentiments of the people, and that too at a time when they most sincerely wished for peace. If anything was wanting to give the last blow to British credit in this country it was their late change in their administration, from which Mr. Fox and others are excluded for avowing the sentiments that their commissioners, Digby and Carleton, solemnly pronounced in a public letter to be those of their sovereign.

The other general objects which it is necessary for you to be acquainted with are the commerce, the finances, and the government of this country. The first suffered considerably in the beginning of this year by the great vigilance of the British cruisers, but has since been very flourishing and successful. None of those wants are known which prevailed at the beginning of this controversy. Our stores and warehouses are amply supplied with everything that can administer to the necessities or luxuries of the people. The West Indies and Europe furnish a ready market for all we raise beyond what is necessary for our own consumption. The embargoes and restrictions which were once thought necessary to enable us to obtain a scanty supply for our army, have been unknown among us for three years past; and yet a most ample provision has been made both for our troops and those of our allies. Our trade with the Havana has furnished considerable sums in specie; paper is entirely out of circulation, if we except the bank paper, which, being payable at sight in specie, is equal to it in value. So extensive has this circulation been that the managers not long since published a distribution of the first *half year's* dividend at four and a half per cent., notwithstanding a variety of expenses to which they had been put in the first organization of the bank. So that the profit upon bank stock is generally estimated at about ten per cent. per annum, which will, I should conceive, when known in Europe, be a strong inducement with many people, those particularly who have thoughts of coming to this country, to lodge their money here.

I would not, however, have you think the flourishing state of the bank (which is the property of a private company under the protection of Government) a certain indication of the happy situation of our own finances. This is by no means the case. The demand for money to replace the property which the enemy have destroyed, to purchase slaves and cattle, to repair buildings, and the profits which commerce yields, together with the difficulty of forming new systems of taxation in a country which has hitherto scarce known a tax beyond what was necessary for the support of its own frugal governments, renders the collection of a direct tax extremely difficult. Duties and excises must be levied upon some general system, so as to prevent one State from depending on another. This has been attempted by a five per cent. duty on all imports, but it has hitherto been defeated by the refusal of Rhode Island to come into the plan. Congress are about to send down a committee of their own body to urge them to a compliance with this measure. Should it be attended with success a very considerable revenue will arise from that source. Public credit, which has so frequently tottered during the Revolution, will be established upon a firm and lasting basis.

The evacuation of the southern States, which we have reason to believe has taken place by this time, though we have yet received no official information of it, will greatly increase our resources. Their exports will consist in the most valuable articles at foreign markets, and must occasion such an influx of wealth as will enable them to contribute to the public expenses, which they have hitherto been, in a great measure, incapable of doing.

Before you left this I believed most of the States had formed their governments. Massachusetts has since completed hers upon plans similar to those of the other States. That of New Hampshire is printed for the approbation of the people, and I am told will shortly be agreed to.

The causes which occasioned a temporary suspension of government in South Carolina and Georgia being removed, they are again in the full exercise of them, and, indeed, have been so ever since Lord Cornwallis left the latter State.

Upon this head, therefore, I have nothing to inform you, unless it be that the people appear to be perfectly happy under their new establishment; not the smallest commotion having arisen in any of the States from discontents on this, or, indeed, on any other ground, if we except an attempt which was made by an inconsiderable party in one county of Massachusetts to prevent the collection of debts till the termination of the war. This was instantly suppressed by the punishment of their leader. Indeed, this trifling matter was so little attended to here that I should not have thought of mentioning it if I had not seen that they had magnified it in England into a revolt of the New England States against the government of the Congress. A letter from a Dr. Walter,



who I believe was originally of Massachusetts, is printed as a voucher for this impudent falsehood. As British emissaries may endeavor to circulate this with you, where they have an interest in deceiving, I concluded it proper to furnish you with the means of refuting it.

Your knowledge of the Continental forms of governments leaves me nothing to say on that head. It will, however, give you pleasure to be informed that the great council is at present as respectable for numbers, integrity, and abilities as it has been at any time during the war, and, I believe, much freer from party spirit or partial views. Add to this, they have acquired an experience in public business which they could not but want at first. I would not have you infer from this that the old members are always continued; this is far from being the case; but as the new delegates are generally elected from the number of gentlemen who have held important offices in their respective States, they bring with them that knowledge and habit of business which they acquired at home. The establishment of ministers for the great executive department (a regulation which has taken place since you left us) has been found to be productive of very great advantages. Congress are no longer troubled with those little details which used to take up their time. The business brought before them from those departments is digested before it comes up, and they are not now obliged to wade through a variety of unnecessary circumstances to come at what merits their attention. You are personally acquainted with the ministers of finance and war, so that I need say nothing relative to the character of either. Their conduct gives general satisfaction; and Mr. Morris' attention, abilities, and personal credit have done much towards relieving that of the United States.

As this revolution makes a new era in the history of man, which furnishes no other instance of a whole people's getting together to form governments for themselves and their posterity, I have thought it would not be unacceptable to the philosophic mind of the Empress of all the Russias to contemplate the first rudiments of these governments, which may hope, after the example of her own dominions, by an assiduous application to the arts of peace and war, to obtain an elevated station among the nations of the earth. I have, therefore, directed to your care a packet containing the confederation of such of the constitutions of the respective States as have been hitherto printed.

Thus, sir, I have endeavored to give you a general view of our situation, in return for which I must pray you to be more minute in your information of what passes with you. I have already explained to you the objects on which I wish you particularly to enlarge. None of your letters have embraced those objects. [Nor have we yet been favored with a single line of introduction to the court, or even to the antichamber of the great sovereign whose character, with that of her favorites and minister, we should be minutely acquainted with through you; whose politics you should state to us, and whose minutest actions, as

far as you can learn them, should not be hid from us.]\* I would recommend it to you to keep a journal of every remarkable event, to minute down every conversation you have upon political subjects, and to digest them weekly into a despatch for us; adding thereto a sketch of the character and station of the person whose sentiments you give. I know, sir, that this will be attended with some trouble; but I know, too, that you will have no reluctance to impose any task upon yourself which the duties of your station render necessary.

I am, sir, &c.,

ROBERT R. LIVINGSTON.

Luzerne to Washington.\*

[Translation.]

PHILADELPHIA, *December 18, 1782.*

SIR: I have the honor to enclose your excellency a letter, which, after having read and sealed, I am to request you to forward with all possible despatch. I hope that the arrival of my despatches will enable me to be more particular. It will be necessary to recommend to the chain of expresses to hold themselves in readiness to carry on the despatches which I shall have to send by another courier.

I have the honor to be, &c.,

LUZERNE.

Luzerne to Vaudreuil.†

[Translation.]

PHILADELPHIA, *December 18, 1782.*

SIR: I this instant learn by an express arrived from the Capes that the *Danaë* entered the day before yesterday, and in a thick fog had the misfortune to get aground; probably she will be got off; she is within the Capes. She left France the 8th of November. The express has not brought a single letter, and I do not expect them till to-morrow or the day after. If there are any for you they shall be sent on with the greatest despatch, and if there are none you shall have an express with the news. It is said that there are many packets for the army, and one hundred and eighty thousand livres.

The only Frenchmen of our acquaintance on board are General Duportail and M. de Gouvion.

The whole of the force at Cadiz, as well land as naval, is destined for the West Indies.

I have the honor to be, &c.,

LUZERNE.

\* Passage in brackets omitted in Sparks' ed.

† 6 Sparks' Dip. Rev. Corr., 104.

## Vergennes to Luzerne.\*

[Translation.]

VERSAILLES, *December 19, 1782.*

SIR: With this letter I have the honor to send you a translation of the preliminary articles which the American plenipotentiaries have agreed to and signed, with those of Great Britain, to be made into a treaty when the terms of peace between France and England shall be settled.

You will surely be gratified as well as myself with the very extensive advantages which our allies, the Americans, are to receive from the peace; but you certainly will not be less surprised than I have been, at the conduct of the commissioners. According to the instructions of Congress they ought to have done nothing without our participation. I have informed you that the King did not seek to influence the negotiation any further than his offices might be necessary to his friends. The American commissioners will not say that I have interfered, and much less that I have wearied them with my curiosity. They have cautiously kept themselves at a distance from me. Mr. Adams, one of them, coming from Holland, where he had been received and served by our ambassador, had been in Paris nearly three weeks, without imagin-

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\* 8 Bigelow's Franklin, 231; 9 Sparks' Franklin, 452.

As a historical document this letter is remarkable and important. Circumstances excited suspicions in the minds of the American commissioners unfavorable to the French ministers in regard to their designs in the treaty. These suspicions were fostered in various ways by the English commissioners, whose policy and interest led them to produce as much alienation as they could between their allied opponents. Such was their influence to this end, combined with the circumstances alluded to, that the American commissioners were induced to sign the treaty without the knowledge of the French Government, which was contrary to the positive instructions of Congress, and in violation of the most obvious rules of courtesy required by the terms of the alliance. This implied distrust of the fidelity and honorable motives of the French Government, as may well be supposed, could not be viewed with indifference by that government. The above letter, communicating the first intelligence of the event by Count de Vergennes to the French minister in the United States, and being in the nature of a confidential despatch, must necessarily be considered as expressing the undisguised sentiments of the writer, and consequently of the French cabinet. Indeed, there is no fact in history which is now more susceptible of complete demonstration than that the suspicions of the American commissioners on this occasion were utterly without any just foundation; that the French ministry, so far from interfering or meddling with the negotiation, kept wholly aloof from it; that they had no design whatever to secure advantages to themselves at the expense of the American claims; and that they were really gratified at the success of the Americans in procuring so good terms as they did. The direct proofs of these facts are abundant; whereas the suspicions of the commissioners are sustained by no other evidence than that of circumstances, inferences, conjectures, and deceptive appearances.—Note by Sparks.

Of this letter Rives, in his life of Madison (I, 355), says: "It is written with nobleness and dignity, and in its whole tone and spirit affords convincing proof of the injustice of the suspicious entertained by some of the American commissioners."

ing that he owed me any mark of attention, and probably I should not have seen him till this time, if I had not caused him to be reminded of it.\* Whenever I have had occasion to see any one of them, and inquire of them briefly respecting the progress of the negotiation, they have constantly clothed their speech in generalities, giving me to understand that they had no confidence in the sincerity of the British ministry.

Judge of my surprise, when, on the 30th of November, Dr. Franklin informed me that the articles were signed. The reservation retained on our account does not save the infraction of the promise, which we have mutually made, not to sign except conjointly. I owe Dr. Franklin the justice to state however, that on the next day he sent me a copy of the articles. He will hardly complain that I received them without demonstrations of sensibility. It was not till some days after that, when this minister had come to see me, I allowed myself to make him perceive that his proceeding in this abrupt signature of the articles had little in it, which could be agreeable to the King. He appeared sensible of it, and excused in the best manner he could, himself and his colleagues. Our conversation was amicable.

Dr. Franklin spoke to me of his desire to send these articles to the Congress, and said that for this purpose he and his colleagues had agreed to an exchange of passports with the English minister for the safety of the vessels which should be sent. I observed to him that this form appeared to me dangerous; that the articles being only provisional and dependent on the fate of our negotiation, which was then very uncertain, I feared this appearance of an intelligence with England, in connection with the signature of the articles, might make the people in America think a peace was consummated, and embarrass Congress, of whose fidelity I had no suspicion. I added many other reasons, the force of which Dr. Franklin, and Mr. Laurens, who accompanied him, seemed to acknowledge. They spared nothing to convince me of the confidence which we ought to have in the fidelity of the United States, and they left me with the assurance that they should conform to my wishes.

You may imagine my astonishment therefore when on the evening of the 15th I received from Dr. Franklin the letter, a copy of which is herewith enclosed. The tone of this letter seemed to me so singular that I thought it my duty to write the answer, which I likewise send

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\* When Mr. Adams mentioned this subject in a letter to Mr. Livingston, dated November 11, 1782, he said the commissioners had been so constantly engaged with the treaty that he "had not been out to Versailles nor anywhere else." He added: "On Saturday last, the Marquis de la Fayette called upon me and told me he had been to Versailles, and that the Count de Vergennes had said to him that he had been informed by the returns of the police that I was in Paris, but not officially, and he should take it well if I would come and see him. I went out to dine with Dr. Franklin the same day, who had just returned from delivering his memorial, and repeated to me the same message. I said to both I would go the next morning, and accordingly on Sunday, the 9th, I went to make my court to his excellency. See *Diplomatic Correspondence*, Vol. vi. p. 451.—Note by Sparks.

to you. I am ignorant of the effect which this answer may have produced. I have not since heard from the American commissioners. The courier has not come for my despatches, and I know not whether he has in reality been sent off. It would be singular, after the intimation which I have given them, if they should not have the curiosity to acquaint themselves with the state of our negotiation that they may communicate the intelligence to Congress. This negotiation is not yet so far advanced in regard to ourselves as that of the United States; not that the King, if he had shown as little delicacy in his proceeding as the American commissioners might not have signed articles with England long before them. There is no essential difficulty at present between France and England, but the King has been resolved that all his allies should be satisfied, being determined to continue the war whatever advantage may be offered to him, if England is disposed to wrong any one of them.

We have now only to attend to the interests of Spain and Holland. I have reason to hope that the former will be soon arranged. The fundamental points are established and little remains but to settle the forms. I think the United States will do well to make an arrangement with Spain. They will be neighbors. As to Holland, I fear her affairs will cause embarrassments and delays. The disposition of the British ministry towards that republic appears to be anything but favorable.

Such is the present state of things. I trust it will soon be better; but, whatever may be the result, I think it proper that the most influential members of Congress should be informed of the very irregular conduct of their commissioners in regard to us. You may speak of it not in the tone of complaint. I accuse no person; I blame no one, not even Dr. Franklin. He has yielded too easily to the bias of his colleagues, who do not pretend to recognize the rules of courtesy in regard to us. All their attentions have been taken up by the English whom they have met in Paris. If we may judge of the future from what has passed here under our eyes, we shall be but poorly paid for all we have done for the United States and for securing to them a national existence.

I will add nothing in respect to the demand for money which has been made upon us. You may well judge if conduct like this encourages us to make demonstrations of our liberality.\*

I am, &c.,

DE VERGENNES.

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\* Notwithstanding this intimation, and the cause of it, the King of France had already resolved to grant to the United States a new loan, and his purpose was not changed by the conduct of the commissioners. Two days after the date of the above letter, Count de Vergennes wrote as follows to M. de la Luzerne: "You are acquainted with the demands of Congress on the King, for additional pecuniary aids. Twenty millions of livres have been requested. This sum greatly exceeds the proportion of our means which can be employed for that object; nevertheless, his majesty, desiring to afford the United States a new proof of his friendship, and of the interest he takes in their affairs, has decided on granting to them a loan of six millions of livres

Greene to Livingston.\*

HEADQUARTERS, SOUTH CAROLINA,  
December 19, 1782.

DEAR SIR: The southern States, so long oppressed by the weight of a destructive war, are now happily relieved by the evacuation of Charleston and the total departure of the British troops from this country. This event, so very important to all America, took place on the 14th instant.

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for the year 1783, part of which, that is, six hundred thousand livres, will be immediately paid into the hands of Dr. Franklin, to be forwarded to Mr. Morris. I can not dissemble from you that this effort presses very heavily upon us, after a five years' war, the expenses of which have been and still continue to be enormous."—December 21. MSS. letter.

Three days later Count de Vergennes wrote again to M. de la Luzerne. "As Dr. Franklin persists in his desire of despatching a courier to inform Congress of his transactions with England, I do not think it proper to endeavor to detain him longer, although I should be extremely sorry to have peace encouraged in America before its certainty is established. Our negotiation with England remains unfinished and in doubt, and I can not say when or how it will terminate. It is therefore exceedingly important that you should make known to the members of Congress the exact state of things, that they may not be deceived with a false hope of peace, and thus make demonstrations that may excite suspicions of a defection from the purpose they have adhered to, which I believe entirely opposed to the principles and intentions of that body. The King has done too much for the United States, and shown too many proofs of his constant friendship to leave any possible room to doubt that his majesty sincerely desires to procure for them the enjoyment of peace as speedily as it can be done. It is a benefit, in the advantages of which he will equally participate with them, and which he is extremely desirous of procuring for his people; but his will alone is not sufficient; the concurrence of that of England is necessary; and she, although at least in appearances wishing for peace, causes difficulties to spring up which may retard it, if indeed they do not in the end defeat it altogether. As soon as the negotiation takes a decided turn I shall give you notice by the most expeditious conveyance. Probably the negotiation would proceed with fewer embarrassments if the American commissioners had reflected on the consequences and been less precipitate in signing their provisional articles."—December 24, MSS. letter.

The instructions from Congress to the American commissioners respecting their coöperation with the French ministry in negotiating the treaty, were of the following purport:

"You are to make the most candid and confidential communications upon all subjects to the ministers of our generous ally, the King of France; to undertake nothing in the negotiations for peace or truce without their knowledge and concurrence; and ultimately to govern yourselves by their advice and opinion, endeavoring in your whole conduct to make them sensible how much we rely upon his majesty's influence for effectual aid in everything that may be necessary to the peace, security, and future prosperity of the United States of America."

The violation of the instructions by the American commissioners, in concluding and signing their treaty without the concurrence of the French Government, is the more unjustifiable, on account of the fidelity with which the French ministers adhered to the spirit of those instructions with reference to the United States in negotiating their treaty with England. This subject is treated in Wilmot's "Historical

\* MSS. Dep. of State; 6 Sparks' Dip. Rev. Corr., 206.

The fleet with the troops on board fell down into Rebellion road, and on the 17th crossed the bar and went out to sea. The British regiments are said to be destined for the West Indies and the German troops for New York. They took with them a great deal of property and between five and six thousand negroes, the greater part of which they had once promised to deliver up.

Governor Mathews, with all the officers of government, are now in town, and civil police fully established and supported.

I am, &c.,

NATHANIEL GREENE.

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Livingston to J. Adams.\*

PHILADELPHIA, *December 19, 1782.*

SIR: The enclosed letter for Mr. Dana you will open and peruse. It may possibly contain information that may be useful to you, which it will be unnecessary to repeat here.

I mentioned in my last Mr. Jefferson's appointment. I have the pleasure of adding now that I have received an account from him of his acceptance of the place. He will be here in the course of ten or twelve days, and sail with Count de Rochambeau, who proposes to return to France. The French troops have embarked with the Marquis de Vaudreuil, and are to sail for the West Indies, unless they should receive counter orders by a frigate which is now in the river. Her letters are not yet come up, as she unfortunately run ashore at Dover; it is yet uncertain whether she will be saved.

The great political question which at present engages the attention of Congress is the means of providing for the payment of the public debts, or at least establishing such funds for the regular discharge of the interest as may set their creditors at ease as to their capitals. It was imagined that a duty of five per cent. upon all imposts would afford a fund adequate to this. Congress accordingly recommended it to the several States to impose the duty. They have all complied except Rhode Island. Her refusal renders the other laws nugatory, as they contain clauses suspending their operation until the measure is

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View of the Commission for Inquiring into the Losses, Services, and Claims of the American loyalists." Speaking of the efforts made in favor of the loyalists at the time of negotiating the treaty, he says:

"The writer of these sheets, who has seen the correspondence between the government at home and those who were employed to negotiate this important business at Paris can assert with confidence that the utmost possible pains were repeatedly taken to procure more substantial terms for the loyalists; that the treaty was on the point of being broken off on this account alone; that the fourth, fifth, and sixth articles of the treaty were obtained and almost extorted with the greatest difficulty; *that the court of Versailles absolutely refused to come to any treaty or decision at all till the American commissioners were completely satisfied.*"—Note by Sparks,.

\*MSS. Dep. of State; 4 Sparks' Dip. Rev. Corr., 4.

generally adopted. Congress are about to send down a committee to endeavor to persuade Rhode Island to comply with a measure that they deem so essential to public credit. It is extremely difficult in a country so little used to taxes as ours is to lay them directly, and almost impossible to impose them so equally as not to render them too oppressive on some members of the community, while others contribute little or nothing. This difficulty is increased by the continued change of property in this country, and by the small proportion the income bears to the value of the lands.

By a short letter just received from Mr. Jay it appears that England has at length swallowed the bitter pill, and agreed to treat with the "thirteen United States of America." I am still at a loss to account for this commission's being directed to Mr. Oswald while Mr. Fitzherbert's continues in force; or is that revoked? I will not trouble myself with guesses, as I must receive despatches to-day that will explain the mystery, if either Dr. Franklin or Mr. Jay have kept their words with me.

I have the honor to be, &c.,

ROBERT R. LIVINGSTON.

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Washington to Morris.†

HEADQUARTERS, *December 20, 1782.*

SIR: In consequence of a resolve of Congress, I some time since directed an inscription, with some devices, to be engraven on the cannon to be presented to the Count de Rochambeau, and enclosed is a certificate of General Knox relative to the execution of the work and its price.

In answer to Mr. Billings' application to me for his pay, I informed him I would write you on the subject, and did not doubt you would order payment to be made.

I have the honor to be, &c.,

GEORGE WASHINGTON.

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Livingston to the Committee of Congress appointed to repair to Rhode Island.‡

PHILADELPHIA, *December 20, 1782.*

GENTLEMEN: I can only reply to your inquiries with respect to the probability of extending our loans in France by informing you that the general tenor of our public despatches discourages the idea, as will

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\*The two commissions were for distinct purposes; Mr. Oswald's to treat with the American commissioners alone; Mr. Fitzherbert's to treat for a general peace with the European powers then at war with England.—SPARKS.

† 6 Sparks' Dip. Rev. Corr., 573.

‡ MSS. Dep. of State; 6 Sparks' Dip. Rev. Corr., 207.



appear by the extracts of letters herewith sent you. To them I have added such official communications as I have received from time to time from the minister of France.

I must add to these the result of several private conversations with him upon that subject, having frequently introduced it to know how far we might, in case of extreme necessity, lean on France. He has always expressed on these occasions a strong sense of our wants, and a wish to relieve them, accompanied with an apprehension that the heavy expense incurred by France, in creating and supporting a large marine, would render it highly imprudent to expect that she should add anything to the liberal supplies already afforded us, and the maintenance of an army in America on our account. Of late, too, the unproductiveness of our taxes, and the uneasiness of the public creditors in the United States, has not escaped his observation. His reflections on this subject are so obvious that I need not repeat them. I am seriously alarmed for their effect on the loans we have already opened. A private letter from Mr. Jay informs me that the paper struck by Spain has greatly depreciated, so that, had we needed any further assurances on that head, we must now be fully convinced that we have nothing to expect from that quarter.

I have the honor to be, &c.,

ROBERT R. LIVINGSTON.

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Dana to Livingston.\*

ST. PETERSBURGH, *December 21, 1782.*

SIR: I had the honor of your letter of the 18th of September, last week, in which you acknowledge the receipt of mine of March 30th, but add that the one of March 5th has never reached you. I am at a loss how to account for the failure of that, when a copy of it accompanied No. 2 (the letter so numbered) from hence I presume you shortly after received at least one copy of No. 1.

I am glad to learn the observations I sent you upon the trade of this empire have been deemed at all pertinent, and have afforded any useful hints, as well as that the state of its connexion with the Porte has not been wholly uninteresting. If you have received my other letters in course, you will find I have not been silent upon the particular subjects you mention, and upon which you want information, nor altogether an idle spectator of events; although to this moment I have not had any conferences with either of her majesty's ministers, or taken any official step, yet I have constantly endeavored to clear up all misrepresentations of every kind, of our enemies or others, in a channel which I have reason to believe has had a good effect. I am assured that all alarms

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\* MSS. Dep. of State; 4 Sparks' Dip. Rev. Corr., 658; with verbal changes and omissions.

about a dangerous concurrence in commerce, which had been artfully raised to serve particular interests, are perfectly quieted, and that it is now also believed that a free and direct commerce between this empire and America will be highly beneficial to the former. A sketch of the arguments made use of to these ends you will find in my letters (Nos. 3, 7, and 10).

As to the great point of our independence, the armed neutrality sprung out of it, and the propositions of the mediators were built upon it. These sentiments were expressed in my first letters from hence to the President, have since been repeated in several of my letters to you, and I have never seen occasion to change them. I have never troubled the French minister with any conversation upon the subject you allude to since that I first detailed to Congress, except when I thought some important change had taken place in the state of affairs, such as the capture of Lord Cornwallis and his army, when the Parliament passed their several resolutions respecting the American war, preceding the change of the old ministry, when Mr. Fox communicated to this court a new proposition relative to the mediation, the substance of which was, "His Britannic majesty says that he does not prejudice, nor will he prejudice, any question whatsoever, and that he does not pretend to exclude any one from the negociation which it had in view who can be supposed to be interested in it, whether it may be a question respecting the States-General or the American colonies;" and finally, when I had authentic intelligence that a commission had passed the great seal to authorise Mr. Oswald to treat of peace with the Commissioners of the United States. On all these occasions I consulted him freely, but found him, as I had expected, invariably against the measure I proposed to his consideration, always assigning the old reasons in support of his advice. My sentiments upon the last most important change you will have in [my last letter], (No. 11) three copies of which are forwarded to you.

Persuaded that the system of this court, so far as it respects Great Britain and the United States, is such as I have pointed out (in No. 6 and 9) heretofore, but more particularly in my last, I should not despair of bringing them off of that chosen ground by communicating our propositions at this moment. The United States have acquired too much consideration in Europe to be lightly offended by any sovereign, and I do not believe the illustrious sovereign of this empire has the least disposition to offend them. If, therefore, the question was brought before her, Shall we admit or shall we reject their propositions? in my opinion they would not be rejected. Upon what ground could a rejection be founded at this time? When the Parliament of Great Britain had long since declared, in the face of the world, their utter inability to conquer any one of the United States, and have even made the attempt itself criminal, by resolving that the minister who should advise it, or the general who should obey an order to that effect,

should be deemed enemies of their king and country; when they had passed an act to enable the king to make a peace or truce with America; when their military commanders in America have published under their hands, from authority, that their sovereign had commanded his ministers to direct Mr. Granville that the independency of America should be proposed by him in the first instance, unshackled with conditions; and when another of his ministers (Mr. Oswald) is in fact in treaty with the United States as with an independent sovereign power, in virtue of a commission passed in form under the great seal of the kingdom, could it be plausibly alleged that an acceptance of our propositions, or the admission of your minister at this court, would be a breach of the most scrupulous neutrality? If not, is not our way clear? But, as it is a possible case, let it be supposed that after all this our propositions would be rejected and your minister denied an admission into this court, and that, in consequence of it, he should immediately retire from the empire. Under such circumstances which would have suffered most, the honor and dignity of the United States or the honor and dignity of this sovereign? Besides, to remain masked at such a moment, does it not seem to argue a self-conviction that we are unworthy that rank among the nations of the world which we have so justly assumed and so bravely maintained?

I should not have time to copy this letter if I should enlarge upon this subject; and enough has, perhaps, been already said upon it to point out fully the reasons which would induce me, if I was at liberty, to make an immediate communication of my mission to this court. You may be assured, sir, the cause of America has lost no ground here, and that the impression of our Revolution has been irresistible throughout all Europe. We have nothing to fear from any quarter, even if the present negociation should be broken off. In such a case, we shall have only to lament that we did not seize upon the advantages which the moment presented to us. The letter of General Carleton and Admiral Digby, which you enclosed and desired me to have published, had been published before in the principal gazettes of Europe.

I have the honor to be, &c.,

FRANCIS DANA.

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**Report of Committee on Mr. R. R. Livingston's Resignation.\***

DECEMBER 21, 1782.

The committee appointed to confer with the Secretary of Foreign Affairs, on the subject of his department report:

That he is willing, if it be the desire of Congress, to remain in the said department until the ensuing spring, but that it will be necessary for him to make a short visit to the State of N. Y. in the month of

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\* MSS. Dep. of State.

January, which the committee think will not probably interfere with the public business. They accordingly propose—

That the election of a Secretary for Foreign Affairs be postponed until the first Monday in May next, and that Mr. Livingston be requested to continue to discharge the duties of that department until such election shall be made.

That he have leave of absence for the purpose of making a visit to the State of N. York.

Passed December 21, 1782.

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Livingston to the President of Congress.\*

PHILADELPHIA, December 22, 1782.

SIR: I have just received my despatches, which consist of duplicates from Dr. Franklin and the enclosed, which have not yet been submitted to Congress, together with a copy of Mr. Oswald's commission.

Mr. Jay has also written, but his letter is not yet deciphered. A private letter from the Marquis de la Fayette to me (the whole of which is not yet deciphered) contains much the same account of our negotiations with that given by Dr. Franklin, and the following passage from a letter of Mr. Adams to him of the 29th of September:

"We have at length the consent of the cities, states, and Provinces, and have adjusted and agreed upon every article, word, syllable, letter, and point, in the treaty of commerce, and the clerks are employed in making out fair copies for signature, which will be done this week."

By a paper of the 22d of October, I find the treaty was signed by seven deputies, one for each Province, and by Mr. Adams, on the 4th of October.

The Marquis also mentions that several accounts, but none official, say that Madras has been taken by the French troops that landed at Port Novo, in conjunction with those of Hyder Ally. He adds that, though this account is believed, yet it is not confirmed.

I have the honor to be. with great respect, &c.,

ROBERT R. LIVINGSTON.

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Franklin to Morris.†

PASSY, December 23, 1782.

SIR: When I wrote to you on the 14th, I expected to have despatched the *Washington* immediately, though without any money. A little misunderstanding prevented it. That was, after some days got over, and on Friday last an order was given to furnish me with 600,000 livres

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\* MSS. Dep. of State; 6 Sparks' Dip. Rev. Corr., 208.

† MSS. Dep. of State; 9 Sparks' Franklin, 457; 8 Bigelow's Franklin, 234.

immediately, to send in that ship; and I was answered by the Count de Vergennes that the rest of the 6,000,000 should be paid us quarterly in the course of the year 1783. If your drafts make it necessary, I believe we can have it advanced, at least on paying discount. Mr. Grand has been ever since busy collecting the proper species to send it in, and it will go, I suppose, to-morrow or next day. I am glad to make use of this opportunity, and wish the sum could have been larger, as we have got a passport from England for the ship *Washington*, Captain Barney, signed by the King's own hand; the more curious, as it acknowledges us by our title of the *United States of America*.

We should not, however, imagine ourselves already in peace. The other powers are not yet agreed, and war may still continue longer than we expect. Our preliminaries have not yet been communicated to Parliament, and I apprehend there will be great clamors against them when they appear. Hints are already thrown out that the King has gone beyond his powers, and if the new ministry do not stand their ground perhaps the ratification may be prevented. A little more success in the West Indies this winter may totally turn the heads of that giddy nation.

I pressed hard, therefore, for the whole sum demanded, but was told it was impossible, the great efforts to be made this campaign in the East and West Indies (the armies for which are now afloat), and the enormous expense engaged in, having much embarrassed the finances.

Our people certainly ought to do more for themselves. It is absurd the pretending to be lovers of liberty while they grudge paying for the defence of it. It is said here that an impost of five per cent. on all goods imported, though a most reasonable proposition, had not been agreed to by all the States, and was therefore frustrated; and that your newspapers acquaint the world with this, with the non-payment of taxes by the people, and with the non-payment of interest to the creditors of the public. The knowledge of these things has hurt our credit and the loan in Holland, and would prevent our getting anything here but from the government. The foundation of credit abroad should be laid at home, and certain funds should be prepared and established beforehand for the regular payment at least of the interest.

With sincere esteem and respect, I am, &c.,

B. FRANKLIN.

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Martin to Livingston.\*

NORTH CAROLINA, *December 23, 1782.*

SIR: I am favored with your two letters of the 12th and 15th of September last, and your circular, in which you announce the acknowledgment of the independence of the United States by the States of

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\*MSS. Dep. of State; 6 Sparks' Dip. Rev. Corr., 208.

Holland--an event that will greatly add to the national importance of America, not only in the councils of Europe, but through the world.

The resolution of Congress respecting damages which the inhabitants of this State have received from the British enemy I can not carry into effect until I have an act of assembly for this purpose, to point out the particular mode in obtaining the same; the account of which, as soon as it can be procured from the different parts of the State, shall be transmitted to you without loss of time.

I have the honor to be, &c.,

ALEXANDER MARTIN.

Livingston to the Governors of the States.\*

PHILADELPHIA, *December 23, 1782.*

SIR: The steps that may lead to so important an event as peace upon safe and honorable terms are too interesting to be withheld from you. I have the honor, therefore, to enclose a copy of Mr. Oswald's commission to treat with the thirteen United States of America, which will certainly smooth the way to it, though the variety of interests to be adjusted at a general congress (and perhaps, too, the success of the British arms at Gibraltar) may place it further off than our wishes would otherwise lead us to imagine.

Your Excellency will see the propriety of not suffering copies of this commission to be taken for the press, and of accompanying the communication you may think proper to make of it with such recommendations to exertion and vigilance as prudence and the critical state of our affairs may require, since on a review of the conduct of the enemy it will not appear extravagant to suppose that this may be another of those artifices so often practiced to deceive and put us off our guard. Though we have no official accounts, yet we have every reason to believe that the treaty of commerce with the United Provinces was signed on the 7th of October.

I have the honor to be, &c.,

ROBERT R. LIVINGSTON.

Madison's Report of Debates in Congress.†

TUESDAY, *December 24, 1782.*

The letter from Mr. Jay, enclosing a copy of the intercepted letter from Marbois, was laid before Congress. The tenor of it, with the comments of Mr. Jay, affected deeply the sentiments of Congress with regard to France. The policy, in particular, manifested by France of

\* MSS. Dep. of State; 6 Sparks' Dip. Rev. Corr., 209.

† 1 Madison Papers, 236.

keeping us tractable by leaving the British in possession of posts in this country awakened strong jealousies, corroborated the charges on that subject, and with concomitant circumstances may engender the opposite extreme of the gratitude and cordiality now felt towards France; as the closest friends in a rupture are apt to become the bitterest foes. Much will depend, however, on the course pursued by Britain. The liberal one Oswald seems to be pursuing will much promote an alienation of temper in America from France. It is not improbable that the intercepted letter from Marbois came through Oswald's hands. If Great Britain, therefore, yields the fisheries and the back territory, America will feel the obligation to her, not to France, who appears to be liberal as to the first and favorable to Spain as to the second object, and consequently has forfeited the confidence of the States interested in either of them. Candor will suggest, however, that the situation in France is and has been extremely perplexing. The object of her blood and money was not only the independence, but the commerce and gratitude, of America; the commerce to render independence the more useful, the gratitude to render that commerce the more permanent. It was necessary therefore, she supposed, that America should be exposed to the cruelties of her enemies and be made sensible of her own weakness, in order to be grateful to the hand that relieved her. This policy, if discovered, tended, on the other hand, to spoil the whole. Experience shows that her truest policy would have been to relieve America by the most direct and generous means, and to have mingled with them no artifice whatever. With respect to Spain also the situation of France has been peculiarly delicate. The claims and views of Spain and America interfere. The former attempts of Britain to seduce Spain to a separate peace, and the ties of France with the latter, whom she had drawn into the war, required her to favor Spain, at least to a certain degree, at the expense of America. Of this Great Britain is taking advantage. If France adheres to Spain, Great Britain espouses the views of America, and endeavors to draw her off from France. If France adheres to America in her claims, Britain might espouse those of Spain, and produce a breach between her and France; and in either case Britain would divide her enemies. If France acts wisely she will in this dilemma prefer the friendship of America to that of Spain. If America acts wisely, she will see that she is, with respect to her great interests, more in danger of being seduced by Britain than sacrificed by France.\*

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\* See *infra*, Dec. 30, 1782.

Franklin to Livingston.\*

PASSY, *December 24, 1782.*

SIR: Sundry circumstances occurring since mine of the 5th and 14th have hitherto retarded the departure of our despatches. They will now go under the security of a British passport, be accompanied by a sum of money, and by some further intelligence from England, which shows the still unsettled state of minds there, and, together with the difficulties and small progress in the Dutch and Spanish negotiations, makes the speedy conclusion of peace still uncertain.

The Swedish ambassador has exchanged full powers with me. I send a copy of his herewith. We have had some conferences on the proposed plan of our treaty, and he has despatched a courier for farther instructions respecting some of the articles.

The commissioners have joined in a letter to you, recommending the consideration of a proposal from Mr. Bridgen relating to copper coin. With this you have a copy of that proposal and a sample of the copper. If it should be accepted I conceive the weight and value of the pieces (charge of coinage deducted) should be such that they be aliquot parts of a Spanish dollar. By the copy enclosed of an old letter of mine to Mr. Bridgen you will see the ideas I had of the additional utility such a coinage might be of in communicating instruction.†

DECEMBER 25.

Enclosed is a copy of a letter just received from the Count de Vergennes upon the present state of negotiation with England.‡

With great regard, I have the honor to be, &c.,

B. FRANKLIN.

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Powers of the Swedish Ambassador to Treat.

[Translation.]

Gustavus, by the grace of God King of Sweden, of the Goths and Vandals, &c., &c., &c., heir of Norway, Duke of Sleswick-Holstein, of Stormaria, and of Ditmarsen, Count of Oldenburgh and of Delmenhorst, &c., &c., makes known, that the United States of North America, viz: New Hampshire, Massachusetts Bay, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, the Counties of New Castle, Kent, and Sussex on the Delaware, Maryland, Virginia, North and South Carolina, and Georgia, having obtained the fruit of their courage and constancy, and their independence being duly and solidly acknowledged and established, we, in consequence of our desire to con-

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\* MSS. Dep. of State; 2 Sparks' Dip. Rev. Corr., 405; 9 Sparks' Franklin, 460; 6 Bigelow's Franklin, 236.

† See Franklin to Bridgen, October 2, 1779, *supra*.

‡ Vergennes to Franklin, September 24, 1782.



cur with them in the establishment of certain fixed rules, by which a reciprocal and advantageous commerce may be carried on between Sweden and North America, which may be permanent between the two nations, have nominated, constituted, and appointed, and by these presents do nominate, constitute, and appoint our very dear and well-beloved Count Gustavus Philip de Creutz, our ambassador extraordinary at the court of France, knight and commander of our orders, and we give him full powers to confer with whomsoever the United States shall have furnished with their powers in due form, to agree on, conclude, and sign such treaty of amity and commerce between us and the said United States as shall be reciprocally advantageous to our subjects, promising, on our word of a King, to agree to everything that our said ambassador shall stipulate, promise, and sign in virtue of the present power, as likewise to make out the ratifications in proper form, and to deliver them to be exchanged at such time as shall be agreed on by the treaty so to do. In faith of which we have signed these presents with our own hand, and have caused our royal seal to be thereunto affixed.

GUSTAVUS,  
COUNT ULB. SCHEFFER.

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H. Laurens to Livingston.\*

PARIS, *December 24, 1782.*

SIR: Permit me to refer to what I had the honor of writing by the present conveyance on the 15th instant.

Mr. David Hartley, on the 19th, moved in the British House of Commons,

That an humble address be presented to his majesty, stating that his faithful Commons think it their indispensable duty, not only to return their grateful thanks to his majesty for having adopted the sense of his Parliament and people in having pointed all his views and measures, as well in Europe as in North America, to an entire and cordial reconciliation with those Colonies; but likewise to express to his majesty that, whatever may be the result of the general negociation for peace now depending, our conciliatory sentiments towards America remain unaltered, as presented in their humble address to his majesty on that subject in the last session of Parliament; and therefore that this House will consider as enemies to his majesty and this country all those who shall endeavor to frustrate such beneficent dispositions of his majesty by advising, or by any means attempting, the further prosecution of the war on the continent of America.

The motion was seconded by Colonel Hartley. Mr. Secretary Townshend objected, by calling for the journals, and ordering the resolutions of February and March last to be read, which he alleged were to the same effect as the motion, and were still in full force.

Some debate ensued; and upon a division, the ayes for the motion were 13 and the nays 51. Perhaps it would have been better if the

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\* MSS. Dep. of State; 1 Sparks' Dip. Rev. Corr., 731.

motion had never been forced to a vote than, being forced, to be lost. What were the recent inroads up the Santa Cumbabee, and other rivers in South Carolina? What is the retaining a garrison in Charleston and another in New York but offensive war?

In my own mind I have no doubt but that the court of London would carry on an offensive or any other war or make partial peace, or pursue any means and measures which might best gratify its desires and its apparent interests.

My letters from London of a late date speak the following language:

We are of opinion that a general peace is still far distant, and are not so eager for it. If the preliminary articles between this kingdom and America shall terminate hostilities between us two, let us shake hands and be *reconciled* with our American brethren; and the nation in *general* will refer a war to a dishonorable peace *with France*.

Who is to interpret?

I am directed to give intelligence, not advice and opinions; but I trust Congress will not be offended with the few sentiments which I shall presume modestly to urge.

The people of England still retain the idea of "*OUR colonies*," and of "*reconciliation*." Government gives all possible encouragement to their humor. It has been their incessant endeavor to detach us from our ally, and it is given out in London that they have outmanœvered the court of France. God forbid that any future act or future supineness on the part of the United States of America should give the smallest degree of countenance to so dishonorable an insinuation. Every engine has been, every degree of craft under the mask of returning affection will be, practiced for creating jealousies between the States and their good and great ally. The United States of America are too wise to be duped, too honorable to commit any act, be their distresses what they may, that shall sully their good faith. Through their ally's assistance and their own virtuous perseverance they attained to those preliminaries. They will virtuously persevere until they shall have performed every tittle of their engagements with that ally, against whom, I must declare for my own part, I see no cause for entertaining more particular jealousy than ought to be kept upon guard against every negotiating court in the world, nor half so much as should at this moment be upon the watch against every motion arising from our new half friends. I had occasion to write to the same Mr. David Hartley that I should suspect every superfluous and every deficient word coming from that quarter. Nevertheless, I earnestly wish, and shall continue my utmost endeavors, for obtaining an honorable, well-founded peace with Great Britain. But I will not consent to *receiving her wooden horses*, nor *will I listen to her whispers*, or imbibe prejudices against a court which has been a friend to my country in need. Congress will be pleased to pardon this freedom, and accept the zeal of their faithful and most obedient servant,

HENRY LAURENS.

Rayneval to Vergennes.\*

LONDON, *December 25, 1782.*

SIR: I did not think it necessary to mention in my official letter the discontent shown by Lord Shelburne at the pettiness of the claim for the cutting of the Campechy wood; but I think I ought to tell you in confidence that it was extreme and that that minister did not hesitate to tell me that though negotiations had been entered upon, a settlement had by no means been reached, and that he greatly desired that the conduct of Spain, which he strongly blamed, would not cause a rupture at the moment when all seemed to be disposed for a prompt and sincere reconciliation. I tried to justify Spain, but I gained nothing, and Lord Shelburne, to show me with what ease the conduct of that power could cause another rupture confided to me under seal of secrecy and for you alone. Sir, the difficulties he encountered in the full council (*le long conseil*) as to the demand for the Island of Sainte Lucie. Five members desired to make use of the signature of the treaty with the Americans to break off the negotiation with us altogether, and it was only by incredible efforts and by the preponderance which his place gives him that he obtained a concurrence in his opinion. At this moment the same members are still for war, and it would be an easy matter to bring the eleven others over to the same party.

This confidence gave me opportunity to speak to Lord Shelburne of the precipitancy of the settlement with the Americans, and I will not conceal from you that my language had a slight accent of reproach.

Lord Shelburne answered that it was a delicate thing in respect both to the council and to the American commissioners to answer me. He told me, however, that they desired to finish with the Americans before the meeting of Parliament, just as they desired to finish with us because they wished to anticipate the parliamentary questions and intervention; that, moreover, he himself was ignorant, until the report was made by the British envoys to the cabinet, that things were so advanced, and that so many advantages had been given to the Americans, and that he disapproved of them. I wished to profit by that occasion to make some remarks on the inconvenience that the article of the treaty granting the navigation of the Mississippi to the Americans, would give to Spain, but Lord Shelburne answered with vivacity that that was of no consequence to him. He little cared for what could concern Spain; that power only merited respect because it was allied to France, but that he would make no effort in her favor. It would have been useless then for me to insist on my object; I will wait for a calmer moment to answer him.

Lord Shelburne begs you to keep secret the facts that he has confided to me, because he wants to avoid any annoyances, and he told me plainly that if anything got out I would lose his confidence. You can

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\* Translated from 3 Circourt's Bancroft, 51.

imagine that I reassured him. That minister is not ignorant of the suspicions that still exist in France of his sincerity, and he is the more affected by them, as he does not believe he has merited them. I dare to be of his opinion, and if I express it, it is because seeing things near and having a daily intercourse with Lord Shelburne, I believe myself in a position to know him perfectly. Unless I am mistaken that minister is a man of lofty, as well as of penetrating genius, with the most engaging manners. He sees things in their large aspects, and detests minutia. He is not obstinate in discussion, but he has to be convinced and "le sentiment" acts more strongly on him than reasoning; and I have more than one proof of this last truth. I will add, that Lord Shelburne is surrounded by people who do him honor. He is not an intriguer, nor is he given to duplicity. A man of a character such as this can be neither false nor captious, and I believe I can say that Lord Shelburne is neither one nor the other, whatever certain people may say, who think they know him when they do not. It may be you will ask me, how it is possible to reconcile with what I have just said the conduct of Lord Shelburne in regard to the equivalents (for Gibraltar)? I have given you above and in many of my despatches the key to that conduct. That of the American plenipotentiaries contributed to it essentially, and Lord Grantham, like Lord Shelburne, foresaw the consequences. The unhappy news of the signature (of the English-American treaty) they have made without our privity, led to the extension of the equivalents demanded for Gibraltar. If Lord Shelburne had refused to ask for them, the council, according to all appearances, would have decided for the rupture of the negotiations.\*

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\* Gerard to Vergennes.†

[Extract.]

PHILADELPHIA, *January 28, 1779.*

I must tell you, sir, that my suggestions relative to Florida and the Mississippi made a good deal of impression. The committee on foreign relations, composed of a delegate from each State, has been especially charged with that object. The committee made it the subject of several of its sittings, and the President declared to me that the committee did not want to do anything without my previous advice. The majority inclines to my views; some others wanted to find a compromise; and others thought that possession of the navigation of the Mississippi is absolutely indispensable. The two latter classes base themselves on the interests of the population which is settled on the Ohio and Illinois Rivers in the Natchez country and in eastern Florida. They say that they can not abandon their compatriots who have established themselves there as a part of the nation, and who demand to be admitted to the American Confederation. I answered that in a matter of such supreme importance we must not permit considerations of personal interest and convenience to interfere with what may be the general interests of the republic. I repeated the arguments of which I have already had the honor to render an account to you, and I added that the United States had not the slightest right to the possessions of the King of England that did not equally belong to the King of Spain when he was at war with England; that their title was limited to the territory that they held as English colonies;

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† Translated from 3 Circourt's Bancroft, 264.

Vergennes to Franklin.\*

VERSAILLES, *December 25, 1782.*

SIR: I have the honor of sending you, sir, my despatches for the Chevalier de la Luzerne. The packet is large, but it encloses several duplicates.

I should have been happy could I have informed him that our negotiation is advanced as far as yours, but it is far distant as yet. I cannot even foretell what will be the issue of it, for even difficulties proceed from the facility with which we have listened to their proposals. It will be well for you to advise Congress to be on their guard against anything that may happen. I do not despair, I rather hope; but everything is as yet uncertain.

I have the honor to be, with perfect regard,

DE VERGENNES.

Franklin to Cooper.†

PASSY, *December 26, 1782.*

DEAR SIR: We have taken some good steps here towards a peace. Our independence is acknowledged; our boundaries as good and extensive as we demanded, and our fishery more so than the Congress

that claiming settlements outside would be at variance with the principles of justice and of equity that directed the Revolution, and would show an unjust desire of conquest even before they had taken their just shape: that their ambition imposed upon me the necessity of not concealing from them my sentiments; I declared that the King would never prolong the war even for one day to procure them the possessions that they coveted; that this claim was totally foreign to the principles of the alliance and especially to the relations of France with Spain; that harmony could never be established while Spain had so great a subject for jealousy; that Congress must see to what danger they would find themselves exposed in the course of time if, pressed between the English of Canada and the Spanish, those two powers should unite their resentments; finally, that America presented herself in the political world as formed of thirteen States, limited by strict rules of law, and that nothing could be more dangerous for their honor, their influence, the permanency of their principles, and confidence in their good faith; that they considered themselves a commercial republic, that could not even maintain a permanent army; that they already felt how much the extent of their territory rendered it difficult for them to establish an efficient and active administration; and that such an enormous extension of territory would indefinitely augment that inconvenience, and tend to make that immense empire fall under its own weight. I omit the answers that were made to me, more by way of explanation than of doubt, although the explanation did not amount to much. I terminate this long paper by expressing the strong desire that there never had been but thirteen United States, unless Canada had formed a fourteenth. The President showed in a very strong manner that such was his opinion, and that if a line of separation was to be drawn, it would be that already bounding Georgia and the other territories of the English colonies as they existed at the time of the Revolution.

I am, monseigneur, &c.,

GERARD.

\* Franklin MSS., Dep. of State.

† 9 Sparks' Franklin, 462; 8 Bigelow's Franklin, 239.

‡ On Dec. 8, 1778, Jay was elected president on the resignation of Laurens.

expected. I hope the whole preliminaries will be approved, and with the definitive treaty, when made, give entire satisfaction to our country. But there are so many interests to be considered between five nations, and so many claims to adjust, that I can hardly flatter myself to see the peace soon concluded, though I wish and pray for it, and use my best endeavors to promote it. I am extremely sorry to hear language from Americans on this side the water and to hear of such language from your side as tends to hurt the good understanding that has hitherto so happily subsisted between this court and ours. There seems to be a party with you that wish to destroy it. If they succeed, they would do us irreparable injury. It is our firm connexion with France that gives us weight with England and respect throughout Europe. If we were to break our faith with this nation, on *whatever pretense*, England would again trample on us and every other nation despise us. We cannot, therefore, be too much on our guard how we permit the *private resentments* of particular persons to enter into our public counsels. You will hear much of an intercepted letter communicated to us by the British ministry.\* The channel ought to be suspected. It may have received additions and alterations. But, supposing it all genuine, the forward, mistaken zeal of a secretary of legation should not be imputed to the King, who has in so many ways proved himself our faithful and firm friend and ally.

In my opinion, the true political interest of America consists in observing and fulfilling, with the greatest exactitude, the engagements of our alliance with France, and behaving at the same time towards England so as not entirely to extinguish her hopes of a reconciliation.

I long to see you and my country once more before I die, being ever, my dear friend, yours, most affectionately,

B. FRANKLIN.

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Luzerne to the President of Congress.†

[Translation.]

PHILADELPHIA, December 26, 1782.

SIR: The undersigned, minister plenipotentiary of France, has the honor of informing Congress that his majesty has received with the most lively sensibility the proofs of the measures taken by them on the birth of the Dauphin. The King has ordered the Chevalier de la Luzerne to assure this assembly that they could not have manifested their attachment to him on an occasion more dear to him, and that

\* See this letter (Marbois to Vergennes) *supra*, under date of March 13, 1782, with notes appended; and Madison's Report of Debates, December 24, 1782, *supra*.

† 6 Sparks' Dip. Rev. Corr., 104.

this circumstance will, if possible, add new force to his affection for the United States, as well as to his wish to establish their happiness upon a permanent foundation.

I have the honor to be, &c.,

LUZERNE.

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Secret Journals of Congress.\*

DECEMBER 27, 1782.

On a report from the Secretary for Foreign Affairs, to whom were referred sundry letters from Doctor Franklin and Mr. John Adams:

*Resolved*, That Doctor Franklin be informed that the allowance he has heretofore made and now makes to Mr. William Temple Franklin, acting in the character of his secretary, meets the approbation of Congress; and that his future allowance be 300 louis d'ors per annum, until the farther order of Congress.

*Resolved*, That Mr. Adams be informed that Congress agree to the purchase he has made of a house at The Hague on the account of the United States, and direct him to take measures for transferring to them the title thereof. That on his furnishing an account of the balance still due on such purchase the superintendent of finance take order for the payment thereof.

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Dana to Livingston\*

No. 13.

ST. PETERSBURGH,

[December 16, O. S.], December 27, 1782.

SIR: Though neither the French minister nor myself has any intelligence of it from Paris, yet yesterday's post brings through several channels an account that the preliminaries for a general peace were signed on the 1st of this month. Thus there is an end to the great contest in which we have been engaged, and with regard to myself, every one will now agree that all obstacles are removed. I expect, therefore, soon to take my proper station at this court, and to be engaged in the business of making a commercial treaty with her Imperial majesty.

But I shall find an impediment in this business not to be surmounted if Dr. Franklin and Mr. Adams should not be able, or think themselves authorised, to advance the cash mentioned in my former letter, No. 5, for which purpose I wrote to them as soon as the negotiations were commenced, at least as soon as intelligence of it reached us here. It is not time yet for me to expect their answer.

I have heretofore acquainted you that I proposed to return to Amer-

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\* MSS. Dep. of State.

† MSS. Dep. of State; 4 Sparks' Dip. Rev. Corr., 661.

ica as soon after I should be received at this court as our commercial treaty should be finished. It would be less justifiable for me to quit this court before the completion of that treaty, because the minister who might succeed me would probably want that information relative to the commerce of this empire which I may have acquired by my long residence here. I still continue of the same mind, and will now assign my reasons for it, when it will certainly be too late for any one to consider them in the light of a solicitation for my own benefit. Congress have been pleased to honor me with the same rank in the diplomatic corps which they have conferred upon their other ministers in Europe, viz., that of a minister in the second class, and though this is unquestionably the most expensive court at which they have any minister, they have thought fit to reduce my appointment to three-fifths of that granted to their other ministers. It is the same which the *chargé d'affaires* of Spain had, of whom it was not expected that he should hold a house and a table, as it is of the other ministers. I have lived here long enough to see that it will be absolutely impossible for me to sustain the indispensable expenses of my rank with an appointment less than that of our other ministers in Europe. If there was, therefore, no other motive to influence my determination, that alone, I have no doubt, Congress will admit for my full justification.

For their particular information I have endeavored to procure an account of the appointments of all the foreign ministers residing at this court, but have not yet obtained it. I can only say with regard to the minister of Sweden, who has a secretary to his embassy, that his appointment and allowance for his house rent, exclusive of some other benefits, amount to more than double my appointment, including everything I can charge agreeably to what I suppose to be the intention of Congress. I will send the above-mentioned account as soon as the gentleman who has promised to procure it for me shall furnish me with it.

I have the honor to be, &c.,

FRANCIS DANA.

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Dana to Livingston.\*

No. 14.

ST. PETERSBURGH,

[December 19, O. S., December 30, 1782.]

SIR: Yesterday's post has not brought us any further news respecting the peace. The French minister has received no account of it yet, nor have I from the commissioners. No one, however, doubts that the preliminaries are in fact signed. It is supposed no courier will be despatched with them till after advice shall have been received at Paris that an account of it has been communicated to Parliament,

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\* MSS. Dep. of State; 4 Sparks' Dip. Rev. Corr., 662.



which were to meet on the 5th instant. The particular articles are not *certainly* known here. This is the present state of things, and we anxiously wait for full information.

As we can have no interests now depending upon any contingency, I think it would not be advisable to appear very eager to seize upon the first occasion to make the communication of my mission, but to wait, if they be not too long delayed, for the answers of Dr. Franklin and Mr. Adams to the application I have made to them, as mentioned in several of my letters, when I shall know what I have to depend upon touching the principal object of my mission, and can better govern myself as to the communication of it; for to speak of a matter about which I am unable to do anything, would be to place ourselves in a disagreeable condition.

I expect to find a strong inclination to come to the business alluded to, for reasons which will be very obvious to you. The commercial treaty with Portugal is not yet finished. Sweden has one upon the carpet. There may be an advantage in waiting till these are concluded, as we may found ours upon them. I shall give a preference to the commercial treaty, and endeavor to postpone the other, in which we can have no present interests, until I shall receive the instructions of Congress, after they shall have been advised, by my letter, No. 5, of September 5th, of what is essential to the execution of it. There is something besides to be distributed among the subalterns of the chancery; so that upon the whole, both treaties will cost us between nine and ten thousand pounds sterling. An enormous sum, especially when it is considered that they are intended to promote the mutual interests of the contracting parties. But so we find the state of things here. And it is not to be expected that any difference should be made in our favor, and perhaps it would not be consistent with our honor that there should be. We have only then to consider whether it is expedient for us, under such conditions, to form those connexions with the sovereign of this empire. As to the first, I have no doubt of its expediency; the last is somewhat equivocal, unless the omission of it should not be well received by her Imperial majesty, who would doubtless be much gratified by our ready acceptance of her invitation to accede to it, and seems to have a right to expect it of us after the resolutions of Congress respecting that subject. It is an expense which, once made, is made forever, and under these views it may be deemed a bagatelle, or at least necessary to the promotion of our greatest interests.

I have the honor to be, &c.,

FRANCIS DANA.

Livingston to Jay.\*

PHILADELPHIA, *December 30, 1782.*

DEAR SIR: I have before me your despatches of the 4th and 18th September and 13th October. It gives me pain to see by them that your health is not yet confirmed, particularly as on this head I draw more disagreeable presages from the extreme shortness of your letters compared with the importance of the subject they treat of than from anything you say of your indisposition.

I am anxious for the fate of your letter of the 18th September, as the duplicate copy only has arrived. The original, not being in cipher, may be very injurious to us should it have fallen into improper hands.

It is so important to us to be able to judge rightly of the designs of a court with whom we have lodged such extensive powers, that I most earnestly wish you had enlarged upon the reasons which have induced you to form the opinion you intimate, an opinion which must, if well founded, render your negotiations extremely painful and the issue of them very uncertain. If, on the other hand, it should have been taken up too hastily, it is to be feared, notwithstanding that prudence and self-possession by which you are happily distinguished, that it will some time discover itself in a reserve and want of confidence which may afford hopes to our artful antagonists of sowing jealousies between us and our friends.

My wishes lead me to hope that you carry your suspicions too far, and the more so as Dr Franklin, to whom I dare say you have communicated them freely, does not (as you say) agree in sentiment with you. But not having the advantage of seeing from the same ground I pretend not to judge. Perhaps facts which I have collected here, and with which you are not acquainted, may serve to throw light upon this subject. The policy you suppose to influence France can only be founded in a distrust which I persuade myself she can hardly entertain of those who have put their most important interests in her hands. She is too well informed of the state of this country to believe there is room to imagine that we entertain the most distant idea of a separate peace. If such distrust really existed it would not in my opinion manifest itself in the way you seem to suppose. Policy would dictate to France to obtain an explicit acknowledgment of our independence in the first instance rather than render it an object of negotiations. When satisfied on that point and having nothing to apprehend on our own account we will more patiently attend to those objects which our allies wish to obtain. Whereas, should it be withheld and made the price of concession on the part of our allies which they may be unwilling to grant, they dissatisfy and may incline us to listen to separate proposals. France appears to have conformed to this principle in the answers she has hitherto given as well to the propositions of Great

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\* MSS. Dep. of State.

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I am anxious for the fate of your letter of the 18th September, as the duplicate copy only has arrived. The original, not being in cipher, may be very injurious to us should it have fallen into improper hands.

It is so important to us to be able to judge rightly of the designs of a court with whom we have lodged such extensive powers, that I most earnestly wish you had enlarged upon the reasons which have induced you to form the opinion you intimate, an opinion which must, if well founded, render your negotiations extremely painful and the issue of them very uncertain. If, on the other hand, it should have been taken up too hastily, it is to be feared, notwithstanding that prudence and self-possession by which you are happily distinguished, that it will some time discover itself in a reserve and want of confidence which may afford hopes to our artful antagonists of sowing jealousies between us and our friends.

My wishes lead me to hope that you carry your suspicions too far, and the more so as Dr Franklin, to whom I dare say you have communicated them freely, does not (as you say) agree in sentiment with you. But not having the advantage of seeing from the same ground I pretend not to judge. Perhaps facts which I have collected here, and with which you are not acquainted, may serve to throw light upon this subject. The policy you suppose to influence France can only be founded in a distrust which I persuade myself she can hardly entertain of those who have put their most important interests in her hands. She is too well informed of the state of this country to believe there is room to imagine that we entertain the most distant idea of a separate peace. If such distrust really existed it would not in my opinion manifest itself in the way you seem to suppose. Policy would dictate to France to obtain an explicit acknowledgment of our independence in the first instance rather than render it an object of negotiations. When satisfied on that point and having nothing to apprehend on our own account we will more patiently attend to those objects which our allies wish to obtain. Whereas, should it be withheld and made the price of concession on the part of our allies which they may be unwilling to grant, they dissatisfy and may incline us to listen to separate proposals. France appears to have conformed to this principle in the answers she has hitherto given as well to the propositions of Great

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\* MSS. Dep. of State.

Britain as to those made by the Imperial courts. When Mr. Grenville proposed to treat of the independence of the United States with his most Christian majesty, an opportunity was afforded to take the lead in the negotiations and of course to suspend this part of it, yet we find the reply of the court of Versailles led to a direct negotiation between Great Britain and us, and ended in an offer of unconditional independence. The reply of the King, communicated to Mr. Grenville, on the 21st of June, speaks the same language. From these and the following facts compared with those you possess you will draw your inferences with more certainty than we can do who can only obtain a partial knowledge of them.

The minister of France, before your letters were received showed me one from the Count de Vergennes of the 14th August, in which he speaks of Mr. Grenville's commission and the ground it gave him to hope that negotiations would open with an express and unconditional acknowledgement of independence. He mentions the change in the British administration, assuring us that it should occasion none in their proposed negotiations; and concludes by expressing his surprise at the alteration which afterwards took place in this essential article in the proposals made by Mr. Fitzherbert, and infers from thence that Lord Shelburne had no other design than to divide and deceive. In a letter of the ——— Sepr. he mentions to the Chr. De la Luzerne Mr. Oswald's commission, your objections to it, and his doubt of the manner in which these objections will be received. "If (says he), as Mr. Oswald intimates, they will admit their force, everything is said. If they should reject them because they will not begin where they propose to end, I conceive the negotiations should still go on. We may judge of the intentions of the court of London by their first propositions. If they have independence for their basis we may proceed; if not, we must break off." In a letter of the 14th of October he mentions with great apparent satisfaction the alteration in Mr. Oswald's commission. From the general tenor of these letters I think I discover an ardent desire of peace, which perhaps led him to wish that objections which he did not consider as essential in the first instance, after having declared to Great Britain that no peace could be made till our independence was acknowledged, should not prevent a negotiation which he had determined not to close without the attainment of this object.

Whatever the sentiments of the Count de Vergennes may be with respect to the claims of Spain, in a letter which I have seen he treats them, as well as ours, as chimerical, and declares that he does not mean to interfere in them. You can judge of the sincerity of this declaration. If otherwise, I am at a loss to determine why he treats them so lightly in his letters, or why those letters were communicated to me. For my part I believe their situation with respect to Spain is very delicate and that they are embarrassed by her demands. I mention these matters that you may judge how far language held here and with you agrees.

As to the letter of 566-166-143,\* I am by no means surprised at it. He always endeavored to persuade us that our claim to the fisheries was inadmissible. Yet this is remarkable, and I think evinces the design of France to serve us even on that point. The advice (had the contrary been their object) is certainly judicious, yet we find that no steps have been taken in consequence of it. On the contrary, we have been told in a formal communication that the King will obtain everything for us that circumstances will admit, and that nothing but sad necessity shall induce him to relinquish any of these objects which we have at heart, and that he does not imagine from the then view of his affairs that such necessity will exist. This communication was made on the 23d of November, 1781, and has been renewed informally at different periods. This fact may be of use. You have a right to avail yourself of this engagement if necessary, since Congress, relying upon it, have made no alteration in their instruction, notwithstanding their success in Virginia. This letter of 566-166-143 [Marbois] and the conduct of the court marks the distinction between a great politician and a short-sighted one. France can, by prohibiting the importation of fish, supply herself. She can not navigate so cheaply as to do more. Our exclusion would only be a benefit to England, and the ill-will it would create, the disputes it would give birth to, would, in the course of a few years, obliterate the memory of the favors we have received. England, by sacrificing a part of her fisheries and protecting us in the enjoyment of them, would render herself necessary to us. Our friendship would be transferred to her, and France would in the end be considered a mutual enemy. She has, I hope, sufficient wisdom to see this object in its true light. I know not how far the 583-485-6-388-497 may merit your confidence. You are the best judge of his conduct. I ought, however, in justice to him, to mention that he has steadily in his letters recommended an adherence to our western claims and to the fisheries, assuring us that they were both attainable if we were firm.

You see, sir, that I have leaned to the opinion which is most opposed to yours, not because I think you wrong, but because you may possibly be so. The slightest jealousies may occasion such evils that I would wish you to examine yours very carefully. I dread lest the last hope of Britain, that of sowing distrusts among her enemies, should succeed.

I wish you had in a private letter to me in cipher informed me how you got at the letter of ———,† and how it happened to be copied in English. I more particularly wish to know whether it passed through the hands of either of the British commissioners. If it has, it will be of consequence to see the original; for though true on the whole, yet it may have been

\* Marbois. See letter of March 13, 1782, above cited and criticised. See index, title Marbois.

† Marbois, March 13, 1782, above given.

colored in the translation.\* That which follows what is said of the Great Bank is nonsense, or if it conveys any meaning I think it not such as a man of common sense would speak.

I do not find that the Count de Vergennes gives any account of your propositions to the minister here, though his letters are a day later than those I have from you. I should conclude from that circumstance that they had not been communicated, if I was not persuaded that, acting under the instructions you do, you would not withhold them except for the most weighty reasons, and that if such reasons existed you would have assigned them in your letters. Presuming therefore that you had communicated them, I have made no secret of them to the minister, who appeared much pleased with them, though a little surprised at the latitude of the last article, which may not perhaps be agreeable to them in all its extent, as it will occasion a revolution in their system of commerce if they would share ours. I am extremely pleased that in freeing ourselves we have a prospect of unfettering the consciences, and the commerce of the world.

I am far from regretting that the Marquis D'Arunda has no powers to treat. We think with you that it is time to adopt the Spanish system, and to retort upon them all the delays we can interpose, without descending to the contemptible shifts they have put in practice. Any time will be better than the present. But the instructions you have already received are full on this head. Mr. Jefferson will be the bearer of this. The information he can give you will shorten this letter. This and general politics will be contained in my letter to Dr Franklin, to whom I also enclose a letter on the subject of your commercial propositions.

I enclose to you a new cipher, which I pray you to make use of upon every important occasion. You will find it very easy after a little practice. I must again entreat you to write more fully to us.

I have received from the Count de Vergennes' letters—almost all I know relative to the progress of the negotiations. It would give me more pleasure to receive information of this kind through another channel.

I am, dear sir, with great respect and esteem, yours, &c.,

R. R. LIVINGSTON.†

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\* Edward Everett (N. Am. Rev. of October 1831, 33 N. Am. Rev., 475) adopts this view as having "great good sense," and says of Livingston's suggestion that the letter, if authentic, may have "undergone some alterations." "We have not the least doubt that this is exactly the truth."

† The text of this important instruction, which is referred to by Edward Everett in an article in the North American Review of Oct., 1831 (33 N. Am. Rev., 474), as striking the true line in the momentous controversy to which it relates, is taken from the record book in the Department of State, in which instructions are copied after signature and immediately before transmission. From this, however, the instruction as printed by Sparks, under date of Jan. 4, 1783 (vol. 4, p. 525), differs throughout so materially in mode of expression, that I now give the latter for the purpose of comparison. Whether the instruction after being engrossed, but before

Substance of a Verbal Communication from Livingston to the President of Congress.\*

OFFICE OF FOREIGN AFFAIRS,  
December 30, 1782.

The substance of a verbal communication made to the Secretary for Foreign Affairs by the minister of France on the 30th and 31st of December, 1782, offered to the consideration of Congress on the 1st of January, 1783, by the said Secretary.

The minister of France came this day, agreeably to appointment, to the office of Foreign Affairs, and read to Mr. Livingston a letter from the Count de Vergennes to him, dated the 12th of August last, which

transmission, was as rewritten by Livingston, or whether, after having been engrossed and transmitted, it was rewritten by Sparks, there is nothing now in the Department to enable us to decide.

PHILADELPHIA, January 4, 1783.

DEAR SIR: I have before me your despatches of the 4th and 18th of September last, and the 13th of October. It gives me much uneasiness to find by them that your health is not yet confirmed, particularly as the extreme shortness of your letters, compared with the importance of the matter, gives me reason to fear that it has suffered more than you would have us believe.

I am under some anxiety relative to the fate of your letter of the 18th of September, as only the duplicate copy has arrived, and I find by that you have risked it without a cipher. Should it get into improper hands it might be attended with disagreeable consequences.

It is of so much importance that both you and we should judge rightly of the designs of the court to whom we have entrusted such extensive powers, that I most earnestly wish you had enlarged on the reasons which have induced you to form the opinion you intimate; an opinion which, if well founded, must render your negotiations extremely painful, and the issue of them very uncertain. If, on the other hand, it should have been taken up too hastily, it is to be feared that, in defiance of all that prudence and self-possession for which you are happily distinguished, it will discover itself in a reserve and want of confidence which may afford hopes to our artful antagonists of exciting jealousies between us and our friends. I so sincerely wish that your conjectures on this head may not be well founded, that I am led to hope you carry your suspicions too far, and the more so as Dr. Franklin, to whom I dare say you have communicated them freely, does not (as you say) agree in sentiment with you. But I pretend not to judge, since I have not the advantage of seeing from the same ground. Perhaps some light may be thrown upon the subject by such facts as I have been able to collect here, and with which it is impossible you should be acquainted.

The policy you suppose to influence the measures of France can only be founded in a distrust which I persuade myself she can hardly entertain of those who have put their dearest interest into her hands. She is too well informed of the state of this country to believe there is the least reason to suppose that we could have the most distant idea of a separate peace. If such distrust really exists, it would, in my opinion, dictate to them to let Great Britain acknowledge our independence at once, rather than make it the subject of subsequent negotiation. When satisfied on that point, we can with more advantage contend for those our allies have at heart. Whereas, by withholding it, and making it the price of concessions on the part of France which she may not choose to make, an opportunity would be afforded to

\* Secret journal of Congress; MSS. Dep. of State; 6 Sparks' Dip. Rev. Corr., 105.



contained in substance that the negotiations begun by Mr. Grenville and Mr. Oswald were interrupted by the resignation of Mr. Fox. That previous to that the King of England appeared disposed to acknowledge the independency of America in express terms, without making

embroider and incline us to listen to separate proposals. Upon this principle France seems to have acted in all the answers which she has hitherto given, as well to the direct proposals of Great Britain as to those made by the Imperial courts. When Mr. Grenville proposed to treat of the independence of the United States with his most Christian majesty, an opportunity was afforded to take the lead in the negotiation and to suspend that part of it; yet we find the reply of the court of Versailles led to a direct negotiation between Great Britain and us, and ended in the offer of unconditional independence. The reply of the court of France to that of London, communicated to Mr. Grenville on the 21st of June, speaks the same language.

From these and the following facts you will, when you have compared them with those within your own knowledge, draw your inferences with more judgment than I can pretend to do without those you possess.

Before your letters were received the Chevalier de la Luzerne showed me a letter from the Count de Vergennes of the 14th of August, in which he speaks of Mr. Grenville's commission, and the ground it gave him to hope that negotiations would open with an express and unconditional acknowledgment of independence. He mentions the change in the British administration; their assurance that it should occasion no alteration in the plan of their negotiation, and concludes by expressing his surprise at the alteration which afterwards took place in this essential article in the propositions offered by Mr. Fitzherbert, and infers from thence that Lord Shelburne had no other design than to divide and deceive. In a letter of the 7th of September he mentions Mr. Oswald's commission, your objections to it, and his doubts of the manner in which these objections will be received. "If," says he, "Mr. Oswald is right in his conjecture that they will be favorably received and removed, then everything is said. If they reject them because they will not begin where they propose to end, I conceive the negotiations should still go on. We may judge of the intentions of the court of London by their first propositions. If they have independence for their basis, we may proceed; if not, we must break off." In his letter of the 14th of October he mentions with great apparent satisfaction the alterations in Mr. Oswald's commission. From the general tenor of these letters I can discover nothing but an anxious desire for peace, which might very naturally lead him to wish that objections, which he did not conceive essential in the first instance, after having declared to Great Britain that no peace could be made till our independence was acknowledged, should not break off a negotiation which must end in the attainment of an object which they have as much at heart as we.

Whatever the sentiments of the Count de Vergennes may be as to the claim of Spain, in a letter which I have seen he treats them, as well as ours, as chimerical and extravagant, and declares that he does not mean to interfere in them. You can best judge of the sincerity of this declaration. If insincere, I can not conceive for what purpose it was made or the subject treated so lightly, or why this should be confided to me. For my own part, I believe their situation with respect to Spain is very delicate, and that they are embarrassed by her demands. I mention these things that you may, by comparing them with facts within your reach, draw useful inferences from them; and I wish to give you everything that may possibly be of use to you.

As to the letter of Marbois, I am by no means surprised at it, since he always endeavored to persuade us that our claim to the fisheries was not well founded. Yet one thing is very remarkable, and I hope evinces the determination of France to serve us on this point: The advice given to discourage the hope is certainly judicious, and yet we find no step taken in consequence of it. On the contrary, we have

it a condition of the peace; that Mr. Grenville encouraged them to hope that this object would be rendered complete by an act of Parliament; that they looked in vain for this act till they were apprised of the resignation of Mr. Fox; that the difference which arose between him and

been repeatedly told in formal communications since that period "that the King would do everything for us that circumstances will admit, and that nothing but dire necessity shall induce him to relinquish any of the objects we have at heart, and that he does not imagine that such necessity will exist." This communication was made on the 21st of last November from letters of the 7th of September, *previous to our success at Yorktown*, and has been renewed at different periods since. You will undoubtedly avail yourself of this engagement if necessary. Congress, relying upon it, have made no alteration in their instructions since the change in their affairs by the blow the enemy received at Yorktown.

This letter of Marbois, and the conduct of the court of France, evince the difference between a great politician and a little one. France can, by prohibiting the importation of fish, supply herself; she can not do more. Our exclusion from the fishery would only be beneficial to England. The enmity it would excite, the disputes it would give rise to, would, in the course of a few years, obliterate the memory of the favors we have received. England, by sacrificing a part of her fisheries and protecting us in the enjoyment of them, would render herself necessary to us, our friendship would be transferred to her, and France would in the end be considered as a natural enemy. I am persuaded she has wisdom enough to see this in its true light.

I know not how far the Marquis may deserve your confidence; you are the best judge of his conduct. I ought, however, in justice to him to mention that he has steadily, in all his letters, recommended an adherence to our claims, and assured us that both might be obtained if insisted upon.

You see, sir, I have purposely leaned to the opposite side from that which you appear in some measure to have taken; not because I think you *are* wrong in the opinion you have adopted, but because you *may possibly* be so. Such essential injuries may flow from the slightest jealousies, that I wish you to examine yours with all of the coolness you are master of. I am persuaded the last hope of Britain is founded on the distrusts they may show among their enemies. I wish you had in a private letter in cipher informed me how you got at the letter of Marbois, and why it was copied in English. I more particularly wish to know whether it passed through the hands of either of the British commissioners. If it has, it will be of some consequence to see the original, not that I doubt its authenticity, but it may possibly have undergone some alterations. That which follows what is said of the Great Bank is nonsense, or if it conveys any meaning, I think it is not such as a man of common sense would speak.

Count de Vergennes, in his letters dated a day later than yours, gives no account of your propositions. I should conclude from this circumstance that they had not been communicated. If I were not convinced that, acting under the instructions you do, you would not withhold them except for the most weighty reasons, and that if such reasons existed you would have assigned them in your letters, and presuming therefore that you had communicated them, I have made no secret of them to the Count de la Luzerne, who appeared much pleased with them, though a little surprised at the article which relates to commerce, which I can not suppose perfectly agreeable to them in all its extent, since it will render a revolution necessary in the commercial system of France if they wish to have an extensive trade with us. I am extremely pleased that, in freeing ourselves, we have a prospect of unfettering the consciences and the commerce of the world.

We are far from regretting that the Marquis d'Aranda has no powers to treat. We think with you that it is time to adopt the Spanish system. We may treat at any

Lord Shelburne led them to suppose that the design of the first was to recognise the independency of America and treat for a general peace upon fair and honorable terms; that Lord Shelburne's was, on the contrary, to endeavor to excite distrusts, and particularly to endeavor to mislead the Americans; that in pursuance of this system in the month of June last, at the very time that they opened their treaty in Europe, he proposed to offer the most advantageous terms to America upon condition that the Americans laid down their arms and left France to settle the dispute alone. This insidious conduct was pursued during Mr. Grenville's negotiation.

That Mr. Fox's resignation suspended the negociation, though the new administration declared that this event should occasion no change of measures; that the court of France expected the effect of this declaration when a commission was expedited to Mr. Oswald to treat with the American plenipotentiaries, and another to authorise Mr. Fitzherbert to resume the negociation begun by Mr. Grenville; that he had presented his credentials the 4th instant; that Mr. Oswald had yet received only a copy of his, owing to the chancellor's absence; that Mr. Fitzherbert had returned the answer of Great Britain to the counter proposition given by France; that this contains full evidence of the unsteadiness of Lord Shelburne's conduct, since, instead of making the independence of America a separate object, it proposes it as a condition and as the price of peace, and adds, that every other circumstance should be placed upon the basis of 1763.

He observes that the Chevalier de la Luzerne will judge from this that they affected much surprise at the counter propositions, and that they did not assent to them; neither, on the other hand, have they yet refused them, but confine themselves to demanding explanations. That this was then the state of their negotiations; that Mr. Oswald had presented his commission, to which Mr. Franklin and Mr. Jay had yet given no reply, suspending it till they knew his (the Count de Vergennes') sentiments; that as yet he had formed no opinion, waiting the result of a conference which he was to have the next day with those ministers; that the commission was in the usual form, but speaks of the Americans as colonies, without naming them rebels or asserting any claims upon them.

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time with more advantage than at present. You had received your instructions on this subject before you wrote your last letters. By your saying nothing of them, I supposed you had not deciphered them. Mr. Jefferson being the bearer of this, it is unnecessary to enlarge. News and general politics will be contained in my letter to Dr. Franklin, to whom I also send an instruction on the subject of your commercial proposition. I enclose you a new cipher, which I pray you to make use of. You will find it very easy on a little practice. I must again entreat you to write more fully to us. I have received *from the Count de Vergennes' letters* the whole progress of the negociation. Information of this kind it would give me more pleasure to receive through another channel.

I have the honor to be, dear sir, with great respect and esteem, &c.,

ROBERT R. LIVINGSTON.

That he did not for his part believe that Lord Shelburne would negotiate a general peace sincerely till he lost all hopes of sowing dissensions and treating separately; that they were convinced that neither France nor Spain were to be deceived, and that he (the Count de Vergennes) entertained the same sentiments with respect to the Americans, but that the British ministry, deceiving themselves, may continue to tempt them till a peace is signed; that the information they (the court of France) had received from him (the minister of France) had left them little doubt on that head, and that those doubts will be entirely removed when the States shall have respectively imitated the example of Maryland, Virginia, and New Jersey.

That, however, good faith was not all that was required of an ally; that they must feel themselves in a position to impose terms on the enemy; that unhappily the Americans had neglected this; that the minister of France could not press this too closely upon us.

He then proceeds to inform the minister that while the British had set on foot a direct negotiation, the Imperial court renewed their instances with that of London to engage them to accept their mediation; that this gave birth to an answer in which his Britannic majesty, without taking notice of the negotiations begun at Paris, declared that he was ready to receive through them every pacific overture, and even to admit the Dutch and the Americans to the negotiation. This answer was dated on the 29th of April, when Mr. Oswald was already in Paris. That they continued their negotiations, and sent Mr. Grenville powers which were dated on the 25th of May; that they did not conceal this from the Imperial court, but pretended that it was at the instance of France.

That this false accusation, and above all the fear of seeing the mediation vanish, had engaged the Imperial court to communicate to the court of Versailles and Madrid the last memorial of the court of London, and to exhort them to establish a negotiation under their auspices; that it was easy to refute the unskillful accusation of the British, which he (the Count de Vergennes) thinks they (the court of France) have done with success; that the answer is transmitted; that they had determined, without rejecting the mediation, to pursue the direct negotiation as long as it might be convenient to the court of London; that he had not seen the answer of the British, which could not, however, be very satisfactory, since they have expedited the commission to Mr. Fitzherbert and Mr. Oswald; that he (the Count de Vergennes) was ignorant of the part the Imperial courts would take upon their declinatory answer.

But that they had always been candid, clear, and open, and would have no objection to confide their interests with the mediators upon the established basis whenever the court of London shall decline the direct negotiation she had begun; that the King did not doubt but that Congress would think with him on this subject, and that he would not

hesitate, if circumstances should require it, to give such assurances to the two Imperial courts. In a postscript he adds, that he had seen Mr. Jay and Mr. Franklin, and that they had together discussed both the substance and the form of the commission to Mr. Oswald, and that in spite of his (Mr. Oswald's) instances they had agreed to decline entering into the matter with him until he shall have produced the original of his commission.

ROBERT R. LIVINGSTON.

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**Madison's Report of Debates in Congress.\***

[For prior proceedings, see *supra*, December 24, 1782.]

MONDAY, *December 30, 1782.*

A motion was made by Mr. Clark, seconded by Mr. Rutledge, to revise the instructions relative to negotiations for peace, with a view to exempt the American plenipotentiaries from the obligation to conform to the advice of France. This motion was the effect of impressions left by Mr. Jay's letters and the intercepted one from Marbois. This evidence of separate views in our ally and the inconsistency of that instruction with our national dignity were argued in support of the motion. In opposing the motion many considerations were suggested, and the original expediency of submitting the commission for peace to the counsels of France descanted upon. The reasons assigned for this expediency were, that at the juncture when that measure took place the American affairs were in the most deplorable situation, the southern States being overrun and exhausted by the enemy, and the others more inclined to repose after their own fatigues than to exert their resources for the relief of those which were the seat of war; that the old paper currency had failed, and with it public credit itself, to such a degree that no new currency could be substituted; and that there was then no prospect of introducing specie for the purpose, our trade being in the most ruinous condition, and the intercourse with the Havana in particular unopened. In the midst of these distresses, the mediation of the two Imperial courts was announced. The general idea was, that the two most respectable powers of Europe would not interpose without a serious desire of peace, and without the energy requisite to effect it. The hope of peace was, therefore, mingled with an apprehension that considerable concessions might be exacted from America by the mediators as a compensation for the essential one which Great Britain was to submit to. Congress, on a trial, found it impossible, from the diversity of opinions and interests, to define any other claims than those of independence and the alliance. A discretionary power, therefore, was to be delegated with regard to all other claims. Mr. Adams was the sole

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\* 1 Madison Papers, 240.

minister for peace; he was personally at variance with the French ministry; his judgment had not the confidence of some, nor his partiality in case of an interference of claims espoused by different quarters of the United States the confidence of others; a motion to associate with him two colleagues, to wit., Mr. Franklin and Mr. Jay, had been disagreed to by Congress; the former of these being interested as one of the land companies in territorial claims, which had less chance of being made good in any other way than by a repossession of the vacant country by the British crown; the latter belonging to a State interested in such arrangements as would deprive the United States of the navigation of the Mississippi, and turn the western trade through New York; and neither of them being connected with the southern States. The idea of having five ministers taken from the whole Union was not suggested until the measure had been adopted, and communicated to the Chevalier de Luzerne to be forwarded to France, when it was too late to revoke it. It was supposed also that Mr. Laurens, then in the Tower, would not be out, and that Mr. Jefferson would not go; and that the greater number of ministers, the greater the danger of discords and indiscretions. It was added, that it was expected that nothing would be yielded by Great Britain which was not extorted by the address of France in managing the mediators, and as it was the intention of Congress that their minister should not oppose a peace recommended by them and approved by France, it was thought good policy to make the declaration to France, and by such a mark of confidence to render her friendship the more responsible for the issue. At the worst, it could only be considered as a sacrifice of our pride to our interest.

These considerations still justified the original measures in the view of the members who were present and voted for it. All the new members who had not participated in the impressions which dictated it, and viewed the subject only under circumstances of an opposite nature, disapproved it. In general, however, the latter joined with the former in opposing the motion of Mr. Clark, arguing with them that, supposing the instruction to be wrong, it was less dishonorable than the instability that would be denoted by rescinding it; that if Great Britain was disposed to give us what we claimed France could not prevent it; that if Great Britain struggled against those claims, our only chance of getting them was through the aid of France; that to withdraw our confidence would lessen the chance and degree of this aid; that if we were in a prosperous or safe condition compared with that in which we advised the expedient in question, this change had been effected by the friendly succors of our ally, and that to take advantage of it to loosen the tie would not only bring on us the reproach of ingratitude, but induce France to believe that she had no hold on our affections, but only in our necessities; that in all possible situations we should be more in danger of being seduced by Great Britain than of being sacrificed by France; the interests of the latter in the main, necessarily coincid-

ing with ours, and those of the former being diametrically opposed to them; that as to the intercepted letter, there were many reasons which indicated that it came through the hands of the enemy to Mr. Jay; that it ought, therefore, to be regarded, even if genuine, as communicated for insidious purposes; but that there was strong reason to suspect that it had been adulterated, if not forged; and that on the worse supposition, it did not appear that the doctrines maintained, or the measures recommended in it had been adopted by the French ministry, and consequently that they ought not to be held responsible for them.

Upon these considerations it was proposed by Mr. Wolcott, seconded by Mr. Hamilton, that the motion of Mr. Clark should be postponed, which took place without a vote.

[See further *infra*, January 1, 1783.]

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Carmichael to Livingston.\*

No. 18.

MADRID, *December 30, 1782.*

SIR: On the 10th instant I had the honor to inform you that I had seen a French translation of a conditional treaty, concluded between the commissioners of the United States at Paris, and Mr. Oswald on the part of Great Britain, the 30th ultimo. I have since received a letter from Dr. Franklin enclosing a copy of it. I hope it will prove satisfactory to Congress and the people at large. Various are the reflections to which this event has given rise here. I am persuaded that this court was far from expecting that Great Britain would make the concessions which it has made to the States. The surprise, and even the chagrin, of several of the ministry and their adherents were apparent, and from the instant they received the intelligence I am convinced that their whole attention has been turned to peace.

It has been suggested that our commissioners signed this treaty without the privity of the court of France. This suggestion was made with a view to pacify this court and to calm the resentment which at Versailles, it was supposed, might be conceived here on this account. The means employed prove that the French ministry apprehended this resentment, but were in no manner sufficient to answer the purpose they intended to serve. The Count de Florida Blanca, speaking of France upon this occasion, said to a friend of mine with some emotion, the French ministry was too precipitate in beginning the war, and is equally so in their endeavors to conclude it. M. Musquiz, the minister of finance, and M. del Campo have expressed the same sentiments, and have insinuated to some that France concerted this measure with our commissioners to force Spain to a peace. To others they have expressed their apprehensions that Lord Shelburne had duped the French cab-

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\*MSS. Dep. of State; 5 Sparks' Dip. Rev. Corr. 108, with verbal changes.

inet. They fear the duplicity of the latter minister, and this fear, joined to their present situation, has probably rendered them more reasonable in their demands and concessions. They will now style this conduct moderation. I conjecture this because the Count de Florida Blanca, speaking to the Russian minister on the subject of the peace, told him that were the propositions on the part of Spain towards an accommodation known, all Europe would be convinced of the moderation of his Catholic majesty, and that for his part he should have no objection to make them public.

On the 28th instant a courier was despatched to Paris with further instructions to the Count d'Aranda. On the 18th one was sent to the same minister, with propositions which were then regarded as their ultimata. It is now rumored in the palace that Spain has consented to leave Gibraltar in the possession of England. Since the departure of this courier the Count de Florida Blanca has spoken of the peace as certain if the British ministry are candid. As soon as I received advice of the treaty above mentioned I consulted the French ambassador on the part I had to act here. I apprehended that it would be improper for me to act longer in a public character after the acknowledgment of our independence by Great Britain without being received in all respects as such. He felt the delicacy of my situation, and advised me to remain tranquil until the fate of a negociation for a general pacification was known. In consequence, I have confined myself to mere personal civilities, and have neither addressed nor solicited the minister on any affair since.

The affair of the Dover cutter remains in the same situation. The ministry have consented to diminish a third part of the duties demanded on the produce of the West Indies imported in American vessels. Mr. Harrison has not been obliged to pay as yet those duties at Cadiz. I have just received a letter from the Marquis de la Fayette, who arrived at that port on the 23d instant, having preceded the French fleet of nine sail [of the line\*] and seven thousand troops, which sailed from Brest the 7th. His letter was calculated for inspection, and intended to excite the distrust of this ministry, Lord Shelburne, and to induce them to furnish Congress with funds for the prosecution of the war. I received it by post, and answered it in the same style by the same conveyance. I also made use of the hints he threw out to persons who I know will convey them to the ministry.

They can not procure sufficient funds for their own expenses. They have just opened a loan for one hundred and eighty millions of reals, of which it is proposed to receive two-thirds in cash, and the other in obligations of debts contracted in the reign of Philip the Vth. The duties on tobacco are engaged for the payment of the interest, which is three per cent. in perpetuity and seven per cent. in annuities. These are the outlines of the proposed loan. I have seen the brouillon of the

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\* Passage in brackets omitted in Sparks' ed.



schedule, which is not yet published. No great success is expected from this loan. On the 20th an assembly of the subscribers to the Bank of San Carlos was held to choose directors and other officers, and to deliberate on further means for its establishment. The governor of the council of Castile presided at this assembly, the minister of finance was present, as were likewise the first under secretaries of the different departments of government. I found means to procure admittance to this meeting. Every proposition made by the projector (M. Cabarrus) was unanimously agreed to. There were no speakers except to applaud the bounty of the King, who, to enable the bank to commence its operations, has granted thirty millions of reals in specie and to the same amount in grain for the supply of the army, navy, &c. The directors chosen are much my friends, and have promised to give America the preference in all articles which it can furnish for the use of the marine, &c. These directors, as I advised you in former letters, are charged with the supplies for the army, navy, &c., with a commission of ten per cent. to the profit of the bank. It will commence its proceedings in the month of April, with a capital of between four and five million of dollars.

I have mentioned that I was formally visited by many members of the *corps diplomatique* after the signature of our treaty with great Britain. It may not be improper to acquaint you with the names of the respective countries of those who were the first to pay me their compliments on this occasion. The ambassadors of Vienna and Venice, the ministers of Russia, Prussia, Saxony, and Treves, and the *chargé des affaires* of Denmark paid me this respect. Most of them, but particularly the latter, seemed desirous of being informed of the method Congress proposed to take for the interchange of ministers. Not knowing the sentiments of Congress on this subject, I replied that whenever they chose to make official application to me I would take the earliest opportunity of laying them before that body. Should Congress judge proper to employ persons at any of these courts, permit me to suggest that the title of minister will greatly augment the expense of these missions, that title obliging their servants to support an equipage and appearance in some degree suitable to their rank, which often renders it improper for them to associate with those from whom the most useful information is to be obtained. The King of Prussia has adopted this system, and I am told the Emperor means to do the same.

In my next letter I expect to send copies of all our public accounts here, and am taking every proper step to prepare for my departure from hence in case the court should not change its conduct. I shall endeavor to behave on this occasion in the manner least offensive possible, as well in consideration for the interests of our allies as from a wish to prevent the ministry from having any reasonable pretext for disgust. For this purpose I have consulted, and shall continue to consult, the French ambassador, as also the Marquis de la Fayette, whom I will induce to come hither should the peace take place, of which I have little doubt.

The divisions in Holland run higher than ever. The King of Prussia seems disposed to take a part in them in favor of the Stadtholder. These divisions will probably be fatal to the interests of that country at the peace, and afford a striking example of the necessity of union in similar governments. I can not refrain from adding that our friends are apprehensive of animosities and jealousies between the States in our Confederation, and that it seems to be the hope of our enemies.

With the most fervent wishes that the latter may be disappointed, I have the honor to be, &c.,

WILLIAM CARMICHAEL.

Luzerne to the President of Congress.\*

[Translation.]

DECEMBER 31, 1782.

SIR: The undersigned, minister plenipotentiary of France, has had the honor of communicating to the Secretary of the Department of Foreign Affairs several facts and circumstances relative to the negotiation for a general peace, which is now carried on at Paris between the belligerent powers. That minister will communicate them to Congress; but the undersigned plenipotentiary has received orders himself to express to that assembly the satisfaction of the King, his master, at the conduct which they have observed on occasion of the overtures made by the English commissioners commanding at New York at different times for establishing a particular negotiation with the United States, or with any one of them.

The King has seen with pleasure the resolutions taken by his allies under these circumstances, and their perfect harmony with those which he has taken himself.

He has observed with equal satisfaction the unanimity which has reigned in the different States of the Union which have expressed their sentiments in relation to the proposal for a separate peace. Their determination honorably to reject every proposal of this kind corresponds perfectly with the opinion formed by his majesty of their fidelity in the observance of their engagements and of the wisdom which presides in their councils.

The communications made to the Secretary of the Department of Foreign Affairs encourage the presumption that conduct as prudent and advantageous as it is just and wise will soon bring the allies to a happy conclusion of the present war. The British minister showed a peaceable disposition; he had reasonable fears respecting the fate of several naval operations, which, on the contrary, have had a result much more favorable than the court of London seemed to expect. Possibly these unexpected successes may change his disposition for

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\* 6 Sparks' Dip. Rev. Corr., 108.

peace, and on that supposition the undersigned minister thinks that it will be wise in the United States not to relax their efforts and their preparations for the ensuing campaign. Congress may be assured that his majesty will, on his part, hold himself in readiness to carry it on with vigor, and that he will apply all his resources to that object.\*

LUZERNE...

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**Resolution of Congress Respecting Commercial Stipulations.†**

IN CONGRESS, *December 31, 1782.*

On the report of the committee to whom was referred a letter of the 14th of October last from the minister plenipotentiary at the court of Versailles.

*Resolved*, That the ministers plenipotentiary for negotiating peace be instructed, in any commercial stipulations with Great Britain which may be comprehended in a treaty of peace, to endeavor to obtain for the citizens and inhabitants of the United States a direct commerce to all parts of the British dominions and possessions, in like manner as all parts of the United States may be opened to a direct commerce of British subjects; or at least that such direct commerce be extended to all parts of the British dominions and possessions in Europe and the West Indies. And the said ministers are informed that stipulations are particularly expected by Congress in case the citizens and subjects of each party are to be admitted to an equality in matters of commerce with the natives of the other party.

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**Resolves of Congress on the Departure of the French Army.‡**

IN CONGRESS, *January 1, 1783.*

A report of the Secretary of Foreign Affairs:

The minister plenipotentiary of his most Christian majesty having communicated to Congress, through the Secretary for Foreign Affairs,

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\* IN CONGRESS, *January 3, 1783.*

On report of the Secretary of Foreign Affairs, to whom was referred the foregoing note,

*Resolved*, That the Secretary of Foreign Affairs inform the minister of France that Congress learn with great pleasure that the steps taken by Congress and the respective States, their constituents, in opposition to the attempts of the British court to bring about a partial negotiation, has been satisfactory to his most Christian majesty. That his majesty's conduct in the progress of the negotiation commenced in Europe, as it has been communicated to Congress, is sufficient to inspire a just abhorrence of every act derogatory to the principles of the alliance, and serves to fortify the resolutions which his repeated acts of friendship and a sense of their own honor and dignity had dictated to the United States in Congress assembled and the States they represent."

† MSS. Dep. of State; 5 Sparks' Dip. Rev. Corr., 474.

‡ MSS. Dep. of State; 6 Sparks' Dip. Rev. Corr., 109.

on the 7th instant, the resolution taken to embark the army under the command of the Count de Rochambeau, and on the 29th their having actually embarked and sailed, together with his majesty's intention to direct them to return whenever an object should offer in which they might effectually co-operate with the troops of the United States:

*Resolved*, That the Secretary of Foreign Affairs inform the minister of France that, though Congress can not see without regret the departure of an army to whose bravery and good conduct they are so greatly indebted for the reduction of the enemy's force in this country, yet that they have too much confidence in the attention of his majesty to the interests of the alliance not to be persuaded that the order for their departure was dictated by a conviction that they could elsewhere be more usefully employed against the common enemy. That they wish him to make known to his majesty the grateful sense they entertain of his attention to their immediate interest manifested in the important aid thus long afforded them, and in his generous determination to direct his troops to return to this country whenever circumstances will admit of an advantageous co-operation with the arms of the United States. That they desire through him to recommend, in a particular manner, the Count de Rochambeau and the army under his command to the favor of his majesty, having the highest reason to be satisfied with their bravery and good conduct, and with that strict discipline to which they are indebted for the perfect harmony which has so happily subsisted between them and the soldiers and citizens of the United States.

*Resolved*, That the President make the acknowledgments of Congress, in a particular manner, to his excellency the Count de Rochambeau, and signify to him the high sense they entertain of the distinguished talents displayed by him with so much advantage to these States in the most important conjunctures, as well as of the strict and exemplary discipline which has been uniformly conspicuous in the troops under his command, and which has deservedly acquired the admiration and esteem of the citizens of these States, by whom his signal services and the delicate attention at all times paid to their private rights will ever be held in affectionate remembrance.

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Madison's Report of Debates in Congress.\*

[For prior proceedings see *supra* December 30, 1782.]

WEDNESDAY, January 1, 1783.

The decision of the controversy between Connecticut and Pennsylvania was reported.

The communications made from the minister of France concurred, with other circumstances, in effacing the impressions made by Mr. Jay's

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\* 1 Madison Papers, 245.

letter and Marbois' enclosed. The vote of thanks to Count Rochambeau passed with unanimity and cordiality, and afforded a fresh proof that the resentment against France had greatly subsided.

(See further *infra* January 3, 1783.)

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La Fayette to Vergennes.\*

CADIZ, *January 1, 1783.*

Peace, sir, does not at present appear probable, and everything seems to foretel another campaign. It is therefore fortunate that we are assembled here, and that M. d'Estaing should command the whole expedition. You know my feelings and opinions respecting him, and you know also the date of my acquaintance with him. He will have charge of the land and sea forces, and I shall fulfill with great pleasure the duty of *marechal des logis* of the combined army under his direction.

I have received no private information, sir, and only learn from the public papers the American preliminaries, which appear to me advantageous for the United States; but you must feel how anxious I am to know what has passed between you and the plenipotentiaries. I am not sufficiently acquainted with the present state of affairs to hazard any opinion on the subject; but I am certain you will be satisfied with the conduct of Congress. I may again repeat, what I have often said, that the American ministers place great value on your communications, and that if we obtained pecuniary succors we might have an important co-operation in that country.

After having conversed on the subject with M. d'Estaing, we agreed that I should express the latter opinion in a letter to Mr. Carmichael, giving him to understand I had no objection to its being made public. I am far from thinking this will be the means of our obtaining money from Spain; but I thought I ought to make this slight and insufficient effort, and if the war continues, it will become necessary to occupy the enemy by making a diversion in America.

The letters of M. d'Estaing will describe our present situation, and I will only, sir, therefore, add the assurance, &c.

CADIZ, *January 1, 1783.*

I have received a letter of the 10th, sir, and beg you to accept the expressions of my gratitude and affection. You will be satisfied, I trust, with Congress; the last intelligence appears to me favorable to a general peace; but unless it be actually signed, I hope operations may still continue. This is the best manner of hastening the fulfilment of good, or of counteracting the effects of bad, intentions; how is it possible not to mistrust such a man as Lord Shelburne? My best

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\* 2 La Fayette Memoirs, 45.

wishes ever attend all your undertakings; and friendship and patriotism both unite in making me earnestly desire their success.

Present my respectful compliments to your family, and accept, &c.

J. Adams to Dumas.\*

PARIS, *January 1, 1783.*

DEAR SIR: Returning this evening from Versailles, where I had been to make the compliments of the season, I found your favors of the 26th and 27th of December. The letters enclosed shall be forwarded as you desire.

The Dutch ministers here have no occasion for my assistance. *Non tali auxilio.* I have the honor to be more particularly acquainted with M. Brantzen, who is certainly a very able man, and universally acknowledged to be so by all who know him. The arguments which I know he has used with the British minister are such as can never be answered, both upon the liberty of navigation and the compensation for damages. He is an entire master of his subject, and has urged it with a degree of perspicuity and eloquence that I know has much struck his antagonists.

Unnecessary, however, as any exertions of mine have been, I have not omitted any opportunity of throwing in any friendly suggestions in my power where there was a possibility of doing any good to our good friends the Dutch. I have made such suggestions to Mr. Fitzherbert. But with Mr. Oswald I have had several very serious conversations upon the subject. So I have also with Mr. Vaughan and Mr. Whitefoord.

To Mr. Oswald I urged the necessity of Great Britain's agreeing with the Dutch upon the unlimited freedom of navigation, from a variety of topics, some of which I may explain to you more particularly hereafter. Thus much I may say at present, that I told him that it was impossible for Great Britain to avoid it; it would probably be insisted upon by all the other powers. France and Spain, as well as Russia, Sweden, Denmark, Prussia, the Emperor, and Portugal, as well as Holland, had already signed the armed neutrality. The United States of America had declared themselves ready to sign, and were ready. The combination being thus powerful, Great Britain could not resist it. But if she should refuse to agree to it with Holland, and the other powers should acquiesce, and Holland should make peace without it (which would never, however, be the case), yet all would be ineffectual, for Holland would forever be able to make use of other neutral bottoms, and would thus enjoy the benefit of this liberty and reality, though denied it by treaty and in appearance. It would, therefore, be more for the honor and interest of Great Britain to agree to it with a good grace

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\* MSS. Dep. of State; 4 Sparks' Dip. Rev. Corr., 5; 8 J. Adams' Works, 22.

in the treaty with Holland. Nay, the wisest part she could act would be to set on foot a negociation immediately for signing herself the treaty of armed neutrality, and then admitting it into the treaty with Holland would be a thing of course. At one of these conversations Dr. Franklin was present, who supported me with all his weight; at another, Mr. Jay seconded me with all his abilities and ingenuity. Mr. Oswald has several times assured me that he had written these arguments and his own opinion, in conformity with them, to the King's ministers in London, and I doubt not they will be adopted.

With respect to the compensation for damages, it is impossible to add anything to the arguments M. Brantzen has urged to show the justice of it, and if Britain is really wise, she will think it her policy to do everything in her power to soften the resentment of the Dutch, and regain their good will and good humor.

The rage of Great Britain, however, has carried her to such extravagant lengths, in a cause unjust from beginning to end, that she is scarcely able to repair the injuries she has done. America has a just claim to compensation for all her burnt towns and plundered property, and indeed for all her slaughtered sons, if that were possible. I shall continue to embrace every opportunity that presents of doing all the little service in my power to our good friends the Dutch, whose friendship for us I shall not soon forget. This must be communicated with great discretion, if at all.

My best respects to all.

JOHN ADAMS.

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Livingston to Franklin.\*

PHILADELPHIA, *January 2, 1783.*

SIR: I was honored with your letters by the *Danae*. I congratulate you upon the promising state of our negociations, since peace begins to be no less desirable here than elsewhere.

But I will not enter into that subject at present, as I mean to write very fully both to Mr. Jay and you by Mr. Jefferson, who will sail in company with this frigate in the *Romulus*, a ship of forty-four guns. Lest, however, any accident should happen to prevent his arriving so soon as the *Emerald*, I enclose a resolution of Congress, which was suggested by the proposition you mention to have been made to Mr. Oswald on the subject of commerce. For my own part I presume that it is already included in your proposition; but as we have yet been favored only with that short note of them which has been transmitted by you, we can form no accurate judgment on the subject. You can hardly conceive the embarrassments that the want of more minute details subjects us to.

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\* MSS. Dep. of State; 2 Sparks' Dip. Rev. Corr., 407.

You will learn from Count de Rochambeau that the French army sailed the 24th ultimo. Perhaps it were to be wished that they had remained here, at least till New York and Charleston were evacuated, or rather till the peace. Congress have, however, given them a good word at parting, as you will see by the enclosed resolves. Not being consulted, they could interpose no objections to their departure, though they were not without many reasons for wishing to detain them.

Our finances are still in great distress. If the war continues, a foreign loan, in addition to those already received, will be essential. A plan for ascertaining what shall be called contingent expenses is under the consideration of Congress, as well as the objections you have stated with respect to the mode of paying your salaries, which will, I believe, be altered. The allowance to Mr. T. Franklin has been confirmed, and your moderation and his upon this point have done you both honor in the opinion of Congress.

I have the honor to be, sir, &c.,

ROBERT R. LIVINGSTON.

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**Madison's Report of Debates in Congress.\***

[For prior proceedings see *supra*, 1782; January 1, 1783.]

FRIDAY, January 3, 1783.

The vote of thanks to the minister of France, which passed yesterday (not reported), was repealed in consequence of his having expressed to the President his desire that no notice might be taken of his conduct as to the point in question, and of the latter's communicating the same to Congress. The temper of Congress here again manifested the transient nature of their irritation against France.

The motion of Mr. Howell, put on the secret journal, gave Congress a great deal of vexation. The expedient for baffling his scheme of raising a ferment in his State, and exposing the foreign transactions, was adopted only in the last resort, it being questioned by some whether the Articles of Confederation warranted it.

The answer to the note of the French minister passed unanimously, and was a further testimony of the abatement of the effects of Mr. Jay's letter, &c.

The proceedings of the court in the dispute between Connecticut and Pennsylvania were, after debates as to the meaning of the Confederation in directing such proceeding to be lodged among the acts of Congress, entered at large on the journals. It was remarked that the delegates from Connecticut, particularly Mr. Dyer, were more captious on the occasion than was consistent with a perfect acquiescence in the decree.

[See further *infra*, March 12, 1783.]

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\* 1 Madison Papers, 245.



Dana to Livingston.\*

No. 15.

ST. PETERSBURGH, *January 3, 1783.*

SIR: Our impatience respecting the state of a negotiation is not yet at an end. No courier has arrived, nor have I received any intelligence by yesterday's post (the third which has come on since our first accounts) upon the subject from either of our commissioners. The French minister continues in the same uncertainty. By private letters and the gazettes brought by the last post it appears only that the preliminaries between Great Britain and the United States were signed conditionally. I rest, therefore, in the same state.

Since my last I have seen a copy of the treaty of amity and of commerce between Russia and Denmark, and find that the chief principles of the marine convention are inserted into it word for word. The treaty is limited to *twelve* years, which will probably be the term fixed for the duration of all their commercial treaties. That with Great Britain was limited to *twenty*, a term it would seem sufficiently short to provide for the changes which time and accidents may introduce into the affairs of empires. You will easily conjecture from some of my letters the motive which must have occasioned this alteration, and will make your own reflections upon it.

Upon a more careful examination upon the marine convention it appears to me from its nature, as well as from its terms, to be limited to the duration of the present war, and in that case there is no other way of taking up its principles than in a commercial treaty, after the manner of that with Denmark. Lest you should not have an accurate copy of that convention, I will cite the article upon which I form my opinion:

ARTICLE IX. This convention, fixed and concluded for the time of the continuance of the present war, shall serve as a basis of the engagement which future conjunctures may cause to be contracted, and on occasion of new maritime wars with which Europe may unfortunately be troubled. These stipulations ought to be regarded as permanent, and shall be the law in matters of commerce and navigation.

On this supposition I shall proceed in framing our treaty of commerce. This will make an essential change in the matter mentioned in my last. I have not yet received an answer from Dr. Franklin or Mr. Adams upon that subject.

I have the honor to be, &c.,

FRANCIS DANA.

Livingston to W. Greene, Governor of Rhode Island.†

PHILADELPHIA, *January 4, 1783.*

SIR: Agreeable to the order of Congress I have the honor to lay before your Excellency the enclosed copy of a motion made by the Hon.

\* MSS. Dep. of State; 4 Sparks' Dip. Rev. Corr., 664.

† MSS. Dep. of State; 6 Sparks' Dip. Rev. Corr., 209, with verbal changes.

Mr. Howel, and the resolutions of Congress thereon, together with the state of the applications for foreign loans and the results thereof.

Without troubling your Excellency with those inconsiderable and secret aids which we received at the beginning of the controversy, I shall take the applications and the grants that were made in the year one thousand seven hundred and seventy-nine and since. To begin with

#### SPAIN.

The 9th of September, 1779, Congress proposed to obtain a subsidy from Spain during the continuance of the war, which they offered to purchase by a very important cession. Spain having hitherto declined an alliance with the United States, no such subsidiary treaty took place.

In the same month Mr. Jay was instructed to borrow five millions of dollars. After long and continued solicitations he obtained one hundred and fifty thousand dollars, and was compelled to protest bills of exchange drawn upon him by Congress on the presumption that Spain would certainly enable him to redeem them. This protest, which was made on the 16th of March last, was as follows :

Mr. Jay says that when he accepted the bills hereunto annexed he had good reason to expect to be supplied with funds necessary to pay them; that he has been disappointed in the expectation he was encouraged to entertain on this subject, and that his endeavors to obtain money, both here and elsewhere, have been unsuccessful, although the bills which remain to be paid by him, together with his other engagements, do not exceed twenty-five thousand pounds sterling, but these disappointments being unexpected, he can not, for want of time, have recourse to Congress, and therefore finds himself reduced to the mortifying necessity of permitting them to be protested.

These bills were redeemed after the protest by money borrowed in France. I have reason to believe that no money has since been obtained on account of the United States in Spain; so that the application for five millions of dollars has only been answered by the grant of one hundred and fifty thousand dollars.

#### PORTUGAL.

On the 11th of January, 1782, Mr. Jay was directed, in conjunction with the superintendent of finance, to undertake a loan in Spain or Portugal, without limiting the amount of such loan. And Mr. Jay was directed to send Mr. Carmichael to aid their endeavors. This power was restricted by a subsequent resolution, directing Mr. Jay not to send Mr. Carmichael unless he had some prospect of succeeding. Not having sent him, it is to be presumed he had no prospect of succeeding.

#### HOLLAND.

On the 26th of October, 1779, Mr. Laurens, having been appointed a commissioner for that purpose, was directed to borrow a sum not exceeding ten millions of dollars. Mr. Laurens having been captured, his

place was supplied by Mr. Adams, who had similar powers and instructions. He made several attempts to open a loan, but with so little success that he never has transmitted an account of the amount, but has since informed me that he had applied it in part of payment for a house purchased at The Hague. His salary has hitherto been paid by money drawn from France. A loan, however, has been opened with success in Holland on our account by his most Christian majesty, and under his special guarantee, for ten millions of livres. Mr. Adams informs Congress by a letter dated the 5th of July last that he also has opened a loan in Holland on account of the United States for five millions of florins, but adds that he does not expect to obtain that sum for a long time; that if he gets a million and a half by Christmas it will be more than he expects.

In a letter of the 18th of August, the last I have received from Mr. Adams, he says that "when he receives the ratification of his treaty for a loan there will be thirteen or fourteen hundred thousand guilders to be paid to the orders of Congress." This is confirmed by a letter to the Marquis de la Fayette, of which he sends me an extract.

As that ratification must have been received long since, we may set the loans actually made in Holland on our credit, at

Three millions of livres .....	3,000,000
Those made under the guarantee and on the credit of France at ten millions of livres.....	10,000,000
	<hr/> 13,000,000

Our further prospects of borrowing are too uncertain to be stated. As this is a private loan, it is reasonable to suppose that the clamors of the public creditors here, when heard in Holland, will have some effect upon our credit there.

#### FRANCE.

In France various applications were made and several grants obtained previous to the year 1779, though they are not clearly stated, from the irregular manner in which the books of the secret committee and the committee of foreign affairs were formerly kept. It appears that the whole sum obtained from France previous to the year 1780, exclusive of one million obtained on a contract for tobacco with the Farmers-General, amounted to nine millions of livres. In November, 1780, Congress applied to the court of France for an aid of twenty-five millions of livres in money, exclusive of a considerable supply of arms, ammunition, and military stores, which they declared would fall short of their wants for the ensuing year without the greatest internal exertion.

They sent Mr. Laurens as a minister on this special occasion, and in this year and the year 1781 Congress received fourteen millions of livres, including the goods and military stores, without counting the loan opened for the United States in Holland, of which mention is made before.

But as this sum fell very far short of our wants, Dr. Franklin was instructed on the 8th of February, 1782, to borrow twelve millions of livres. In answer to which that minister, writing to me on the 25th of June, after acknowledging the receipt of my letters, one of which was written on the subject of the above instructions, says :

The second [the second letter] enforces some resolutions of Congress sent me with it respecting a loan of twelve millions of livres to be demanded of France for the current year. I had already received the promise of six millions, together with the clearest and most positive assurances that it was all the King could spare us; that we must not expect more; that if drafts and demands came upon me beyond that sum it behooved me to take care how I accepted them or where I should find funds for the payment, since I could certainly not be further assisted out of the royal treasury. Under this declaration, with what face could I ask for another six millions? It would be saying, "You are not to be believed; you can spare more; you are able to lend me twice the sum if you were but willing." If you read my letter to Mr. Morris of this date I think you will be convinced how improper any language capable of such a construction would be to such a friend.

On the 14th of September Congress were pleased to direct that four millions of dollars be borrowed in Europe, exclusive of the loan negotiating in Holland. A copy of which resolution is directed to be communicated to his most Christian majesty, with directions to Dr. Franklin to assure his majesty of the high sense the United States in Congress entertain of his friendship and generous exertions, their reliance on a continuance of them, and the necessity of applying on the present occasion to him. And on the 23d of September Congress resolved further, in answer to the above letter from Dr. Franklin and one of a similar nature from the superintendent of finance of the same date, that, notwithstanding the information contained in those letters, it is the direction of Congress that he use his utmost endeavors to effect the loan which by the resolve of the 14th instant is to be negotiated.

I should observe that in the above statement of the grants made to the United States I have not distinguished between loans and gifts, but included both in the gross sums above mentioned, though about eight millions of that granted by France has been given without any expectation of being repaid.

It is unnecessary to draw those inferences from the above facts which they naturally suggest. They can not escape your Excellency's observation. I can only wish that the low state of our credit abroad may excite us to such internal exertions as must be its best support. Those only can borrow with dignity who give unequivocal proofs of the design to repay their debts with honor.

I have the honor to be, &c.,

ROBERT R. LIVINGSTON.

Livingston to Franklin.\*

PHILADELPHIA, *January 6, 1783.*

SIR: I have before me your letters of the 25th and 29th of June, 12th of August, 3d and 26th of September, and 14th of October last. Several matters contained in them have already been answered, and some others I am unable to reply to till Congress have decided on such propositions as I have submitted to their consideration.

The convention relative to consuls has been objected to by Mr. Barclay, on account of its prohibiting the consuls from trading. As the funds of Congress leave them no means of affording an adequate support to persons who are properly qualified, they fear that the only inducement to accept the appointment will be taken away by this prohibition. Mr. Barclay's letter on that subject is under consideration.

I see the force of your objections to soliciting the additional twelve millions, and I feel very sensibly the weight of our obligations to France, but every sentiment of this kind must give way to our necessities. It is not for the interest of our allies to lose the benefit of all they have done by refusing to make a small addition to it, or at least to see the return that our commerce will make them suspended by new convulsions in this country. The army have chosen committees; a very respectable one is now in Congress. They demand with importunity their arrears of pay. The treasury is empty, and no adequate means of filling it presents itself. The people pant for peace; should contributions be exacted, as they have heretofore been, at the point of the sword, the consequences may be more dreadful than is at present apprehended. I do not pretend to justify the negligence of the States in not providing greater supplies. Some of them might do more than they have done; none of them all that is required. It is my duty to confide to you that if the war is continued in this country it must be in a great measure at the expense of France. If peace is made, a loan will be absolutely necessary to enable us to discharge the army, that will not easily separate without pay. I am sorry that neither Mr. Jay nor you sent the propositions at large, as you have made them, since we differ in opinion about the construction to be put on your commercial article, as you will find by a resolution enclosed in my letter.

I wish the concession made of our trade may be on condition of similar privileges on the part of Great Britain. You will see that without this precaution every ally that we have that is to be treated as the most favored nation, may be entitled to the same privileges, even though they do not purchase them by a reciprocal grant.

As to confiscated property, it is at present in such a state that the restoration of it is impossible. English debts have not, that I know of, been forfeited, unless it be in one State, and I should be extremely sorry to see so little integrity in my countrymen as to render the idea of with-

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\* MSS. Dep. of State; 2 Sparks, Dip. Rev. Corr., 403, with verbal changes.

holding them a general one; however, it would be well to say nothing about them, if it can conveniently be done.

I am more and more convinced that every means in your power must be used to secure the fisheries. They are essential to some States, and we can not but hate the nation that keeps us from using this common favor of Providence. It was one of the direct objects for carrying on the war. While I am upon this subject, I can not but express my hope that every means will be used to guard against any mistrusts or jealousies between you and France. The United States have shown their confidence in her by their instructions. She has repeatedly promised to procure for us *all we ask* as far as it lies in her power. Let our conduct leave her without apology if she acts otherwise, which I am far from suspecting.

With respect to the seamen you mention, I wish, if any further order is necessary than that which Mr. Barclay already has, that you would give it so far as to enable him to state their accounts and transmit them to Mr. Morris. As the treaty with Holland is concluded, I hope you have made some progress in that with Sweden, a plan of which has been transmitted; another copy will go by Mr. Jefferson.

I am glad to find you have some prospect of obtaining what is due on the *Bon Homme Richard's* prize money. That matter has been much spoken of, and occasioned some reflection, as it is alleged that M. Chaumont was imposed on the officers as their agent by the court, and of course they should be answerable for his conduct, which certainly had been very exceptional.

Congress have come to no determination as to the size or expense of the pillar they propose to erect at Yorktown. What I wished of you was to send me one or two plans, with estimates of the expense, in order to take their sense thereon.

As to the designs of Spain, they are pretty well known, and Mr. Jay and Congress concur so exactly in sentiment with respect to them, that I hope that we have now nothing to fear from that quarter.

Congress have it now under consideration to determine what should be allowed as contingent expenses. I believe house rent will not be allowed as such. I mentioned in my last what respected your grandson, to which I have nothing to add. I agree with you in sentiment that your salaries should not depend on the fluctuations of the exchange, and have submitted that part of your letter to Congress. I believe they will direct a stated sum to be paid. Waiting for this determination, I am prevented from drawing bills at this time. As to the money received from me, you will be pleased to replace with it the two quarters' salary you had drawn before it came to hand. You will have bills for a third quarter, which have been sent on some time since.

Several important political events have taken place here lately. The evacuation of Charleston, the sailing of the French fleet and the army, the decision of the great cause between Connecticut and Pennsylvania

in favor the latter, the state of the army, &c., all of which I should enlarge upon if this was not to be delivered by Mr. Jefferson, who will be able to inform you fully on these points and many others that you will deem important to a right knowledge of the present state of the country.\*

I enclose a state of the trade between these States and the West Indies, as brought in by a committee of Congress and referred to me. It may possibly afford you some hints, and will serve to show how earnestly we wish to have this market open to us.

I have the honor to be, &c.,

ROBERT R. LIVINGSTON.

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Laurens to Livingston.†

PARIS, *January 9, 1783.*

SIR: I had the honor of addressing you on the 15th and 24th ultimo, by Captain Barney, in the ship *Washington*. Duplicates by way of Nantes. Shall I request you, sir, with my humble respects, to inform Congress that my health has ever since been declining; that I am at this moment reduced to a deplorable state, scarcely able to walk across my chamber; that I should nevertheless have continued here at all hazards had I not been strongly advised to visit Bath, the only place where I can hope to recover part of a constitution broken down by sufferings and in the service of my country, and at the same time assured from proper authority that there is too great a probability of an interval, before a definitive treaty will be seriously talked of, for performing my intended journey? Should the contrary happen, the earliest notice from hence, as well as from London, will be forwarded to me, and if possible I shall return without delay. This interval strikes no alarm to me. I had upon my first arrival here intimated my apprehensions to all my colleagues.

Wherever I am, the honor and interest of the United States shall be my great and greatest concern.

I have the honor to be, &c.,

HENRY LAURENS.

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Luzerne to Livingston.‡

[Translation.]

PHILADELPHIA, *January 10, 1783.*

SIR: The undersigned, minister plenipotentiary of France, has made a seasonable report to his court of the inconveniences which might result from the advantageous capitulations granted to the islands of

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\* Mr. Jefferson did not go as was here expected. See his reasons in his *Memoir, Correspondence, &c.*, vol. 1, p. 41.

† MSS. Dep. of State; 1 Sparks' Dip. Rev. Corr., 733.

‡ 6 Sparks' Dip. Rev. Corr., 110.

St. Christopher, Nevis, and Montserrat, conquered by the forces of his majesty. The term of six months which had been granted to the capitulators for receiving the vessels which they expected from England, and for sending them back under a neutral flag, even to the ports of Great Britain, expired some time ago, and thus no inconvenience can result from this stipulation. Some of the said capitulations gave power to the governors to authorize, by particular permissions even after the expiration of the six months, exportations from these conquered islands to the ports of the enemy.

The undersigned has the honor of informing the Secretary of Foreign Affairs that, in consequence of orders given to the governor-general of these islands, these permissions will not be given; and, therefore, nothing will prevent the entire execution of the resolutions of Congress in relation to the importation of English merchandise into this country. Congress may be assured that his majesty will concur in all measures of this kind which shall have for their object the prevention of commerce with Great Britain.

LUZERNE.

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Livingston to La Fayette.\*

PHILADELPHIA, *January 10, 1783.*

DEAR SIR: I was honored by yours of the 14th of October last. It contains much useful information, and upon the whole exhibits a pleasing picture of our affairs in Europe. Here the scene is more chequered with good and evil; the last I think predominates. The want of money has excited very serious discontents in the army. They have formed committees. A very respectable one, with General McDougal at their head, is now here. Their demands, though strictly just, are such as Congress have not the means of satisfying. The States upon whom they call complain of inability. Peace is wished for with more anxiety than it should be; wearied out with the length of the war, the people will reluctantly submit to the burdens they bore at the beginning of it; in short, peace becomes necessary. If the war continues, we shall lean heavier upon France than we have done. If peace is made, she must add one obligation more to those she has already imposed. She must enable us to pay off our army, or we may find the reward of her exertions and ours suspended longer than we could wish.

Charleston is at length evacuated; the enemy made a convention with General Greene, and were suffered to depart in peace. In one of the papers I send you you will see the general orders at going off.

The embarkation of your army before the war in this country had closed gave me some pain. Their stay might have answered useful political purposes had they been at hand to operate against New York, which they will not otherwise quit.

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\*MSS. Dep. of State; 5 Sparks' Dip. Rev. Corr., 402.



Congress saw this in its true light, but were too delicate to mention it. I enclose their resolutions on being apprized of it. You speak of operations in America. I agree with you that they are devoutly to be wished both by France and by us; but if they are to depend upon operations in the West Indies, it is ten to one but they fail. The machine is too complex. If it is to be worked in any part by Spanish springs the chance against it is still greater, for whatever the latter may be in Europe, in the West Indies they lose their elasticity.

The great cause between Connecticut and Pennsylvania has been decided in favor of the latter. It is a singular event. There are few instances of independent states submitting their cause to a court of justice. The day will come when all disputes in the great republic of Europe will be tried in the same way, and America be quoted to exemplify the wisdom of the measure.

Adieu, my dear sir; continue to love this country; for though she owes you much, she will repay you all with interest when in ages to come she records you with her patriots and heroes.

I have the honor to be, dear sir, with the sincerest esteem and regard, &c.,

ROBERT R. LIVINGSTON.

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Morris to Franklin.\*

OFFICE OF FINANCE, *January 11, 1783.*

SIR: On the 9th instant, from an investigation of Mr. Grand's account, then lately received, I found that after making due allowance for loan-office bills, &c., which might still come upon him, my drafts and those which I have directed would exceed by something more than six millions (exclusive of the interest payable by him in November on the Dutch loan) any funds which he could be possessed of. It appeared also by indirect information so late as in the month of September that the loan opened by Mr. Adams had not produced above three millions, so that unless he had met with further success there would be a deficiency of three millions.

Had the court granted us twelve millions in the first instance, had Mr. Adams's loan produced six millions, had M. de Beaumarchais' bills been provided for without recurrence to the American banker, or, finally, had the heavy deduction made by those bills been replaced, this disagreeable thing would not have happened. Presuming that the loan of the last year was exclusively at my disposition, I drew during the year to the amount of it, and I am convinced that all my bills and those drawn by my authority will have been paid. Rely on it that, as I told you in a former letter, I have acted under the influence

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\* 6 Sparks' Dip. Rev. Corr., 573.

of dire necessity, and this you will be convinced of by a few out of many circumstances.

Enclosed you have a general statement of the public account until the year 1781, on which you will observe that the army was fed principally, though scantily, by the specific supplies called for at different previous periods, and that there remained in the treasury near three hundred thousand dollars, being part of the money which Colonel Laurens brought with him from France. I also enclose to you the copy of a letter written to Congress on the 21st of October and of its several enclosures, which will need no commentary; or if it did, I would only add, that I have been obliged to sell part of the goods which arrived here from Holland, in order to raise so much money as would save my sinking credit from destruction. I would go into a detail of the various measures pursued to stimulate the exertions of the States, but to do this with accuracy would be to give a tedious history of my whole administration. Whatever expedient could suggest itself which might have that desirable effect I have tried, and I do assure you that when I look back at the scenes I have passed through they strike my own mind with astonishment. As soon as I can get the accounts made up I will transmit to you the total of our expenditures; but to transmit, or even relate, our hazards and difficulties would be impossible.

Even at this moment I am making further exertions to bring our unwieldy system into form and ward off impending evils; but what the success may be, Heaven only knows. Imagine the situation of a man who is to direct the finances of a country almost without revenue (for such you will perceive this to be) surrounded by creditors whose distresses, while they increase their clamors, render it more difficult to appease them; an army ready to disband or mutiny; a government whose sole authority consists in the power of framing recommendations. Surely it is not necessary to add any coloring to such a piece, and yet truth would justify more than fancy could paint. The settlement of accounts, long and intricate beyond comprehension, becomes next to impossible from the want of that authority, which is on the verge of annihilation, from those confusions which nothing can dissipate except the complete settlement of accounts and an honest provision for payment.

Upon discovering the situation of our affairs in the manner already mentioned I laid them before Congress. You will know the result. The Secretary of Foreign Affairs will, doubtless, transmit their act; to which I must add this further communication, that I expect my bills will amount to a million within a month from this date. There are cases where nothing worse can be apprehended from a measure than what would inevitably happen without it, and our present position is one of them. An immediate command of money is alike necessary to our present existence and future prospects. In Europe, when this letter arrives, you will know decidedly whether we are to expect peace

or war. We must prepare for the latter. By so doing we may forward negociations for peace, and at the worst will only have incurred some additional expense; whereas by neglecting it we risk the chance of being taken unawares, and paying very dearly the penalties of neglect.

But, sir, notwithstanding these reasons and many others will justify every counsel and every act however irregular in other respects, I would not draw one more bill, and I would boldly hazard every consequence of the omission, if I were not persuaded that they would be paid. On this occasion your sovereign will expect your most vigorous exertions, and your country will, I trust, be indebted to you in a degree for her political existence.

I am, sir, &c.

ROBERT MORRIS.

Dumas to Livingston.\*

THE HAGUE, *January 11, 1783.*

SIR: This morning their noble and grand mightinesses adopted a resolution conformable to the report hereto annexed relative to the mission of a minister plenipotentiary to the United States with instructions to their deputies of the province in the States-General to press the conclusion of this matter by the States. This evening, between ten and twelve o'clock, one of the gentlemen, coming to take leave of me until Tuesday week, concerted with me the measures it would be proper to take during his absence to make the choice fall, if the plan succeeds, on a person who will be as agreeable to the United States as he is esteemed by the patriots of this country. I shall give information of it by letter next Tuesday to Mr. Adams.

Yesterday arrived some despatches from the plenipotentiaries of the republic at Paris, with the reply of his Britannic majesty to the preliminaries which had been proposed. This reply is not satisfactory.

I am, sir, &c.,

DUMAS.

Morris to Franklin.†

OFFICE OF FINANCE, *January 13, 1783.*

DEAR SIR: I have received, in addition to those already acknowledged, your letters of the 12th of August, 26th of September, and 14th of October. I should, therefore, regularly have received two copies of the contract entered into on the 16th of July between you and the Count de Vergennes, but I suppose it has been omitted through mis-

\*5 Sparks' Dip. Rev. Corr., 365.

† MSS. Dep. of State; 6 Sparks' Dip. Rev. Corr., 575.

take in both the letters which refer to it. I lament this the more, as no one copy of it has yet arrived, and consequently the Congress cannot do what I am persuaded they would on the occasion. But although from this circumstance they do not make professions, yet as far as I know the sentiments of that body they are penetrated with gratitude. And you hazard nothing in making to the King the fullest assurances of their desire to repay the obligations they have received and gratify their affection for his person and family by services and benefits. You will oblige me much if (together with the contract in question) you will send a statement of the Farmer-General's account and of the agreement with them.

You tell me that the losses in the West Indies prevent you from obtaining farther aid. It is, therefore, to us a double loss. As to the precaution you give me about my banker, you will find that before the receipt of Mr. Grand's accounts I had drawn on him beyond his funds. I have this day entered into an explanation with the minister on that subject, and I enclose you the copy of my letter, as also of another paper delivered to him, which may be worth your attention. In my turn I rely upon your promise of exertion to pay my drafts. If one bill should be protested I could no longer serve the United States.

With respect to the apprehension you express as to my bills, I do not perceive the matter in the same point of light with you. The list of my bills are transmitted to Mr. Grand by various opportunities, and they will check any which might be forged or altered.

I shall take due notice of what you say about your salary, and will enclose the bills to you. The amount will depend on the course of exchange during the war. You will be a gainer, and after the peace you may perhaps lose some trifle, but not much, because remittances might then be made in specie, should the exchange be extravagantly high. You will readily perceive that although the fluctuations of exchange are in themselves of very little consequence to the individuals who may be connected with government, they become important at the treasury, partly from the numbers of payments and consequent amount, but more so because they would introduce a degree of intricacy and perplexity in the public accounts, which are generally either the effect or the cause of fraud and peculation. Besides, there is no other way of adjusting salaries than by a payment of so much at the treasury, unless by rating them in the currency of every different country as livres, dollars, guilders, rubles, &c. The late mode of rating them in pounds sterling required a double exchange. For instance, the number of livres to be given in payment of one hundred pounds sterling at Paris on any given day depends on the then rate of exchange between Paris and London, and the value of those livres here depends on the exchange between Paris and Philadelphia.

I pray you, sir, to accept my sincere thanks for the kind interest you

take in the success of my administration. The only return which I can make to your goodness is by assuring you that all my measures shall be honestly directed towards the good of that cause which you have so long, so faithfully, and so honorably served.

I am, sir, &c.,

ROBERT MORRIS.

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Morris to Grand.\*

OFFICE OF FINANCE, *January 13, 1783.*

SIR: I have received your several favors of the 13th of July, 11th and 19th of August, and 14th of October. The contents are far from being agreeable, but I thank you for the communication of them. If I had been so fully apprized of our situation as I now am, perhaps I might have suffered everything to be ruined rather than have risked my bills. But if that had been done, more men would have blamed than applauded my conduct. I have gone into a full explanation with M. de la Luzerne, and although he cannot as minister approve what is done, he has too much sense not to see the propriety and necessity of it.

It will be very useful both to you and me that we should know exactly the state of our affairs, but I cannot acquire that knowledge by any comparison of accounts in my possession. You, I think, will be able to do it, and for your assistance I send the following information: There have been issued from the several loan offices bills at thirty days' sight for eight millions four hundred and thirty-one thousand seven hundred and fifty livres; bills at sixty days' sight for one hundred and twenty-five thousand livres; and bills at ninety days' sight for one million three hundred and sixty-four thousand one hundred and ninety-one livres thirteen sols and four deniers. An examination of your books will show at once how much of these sums remains unpaid. There have been issued bills on Mr. Laurens and Mr. Adams, in Holland, for five hundred and forty-seven thousand three hundred and sixty-four guilders and two-thirds; and there have been issued on Mr. Jay for four hundred and fifty-eight thousand eight hundred and twenty-six dollars. A proper inquiry will, I suppose, obtain the amount of payments on all of these bills, and then you will be possessed of the state of things so fully that you can apprise me of facts sufficient for my information.

From the best information I have been able to collect on the subject my bills have very considerably exceeded your funds, but I trust that you have been possessed of additional funds for the acquittal of them in due season. I do everything that I can, and shall expect that you will exert yourself to aid Dr. Franklin. On those exertions I place much reliance; being with sincere esteem, sir, your most obedient, &c.,

ROBERT MORRIS.

Morris to Luzerne.\*

OFFICE OF FINANCE, *January 13, 1783.*

SIR: In the close of our conversation on the 11th instant your excellency did me the honor to request that I would recapitulate to you in writing the reasons why my bills had exceeded the funds in possession of Mr. Grand by about three millions and a half of livres. I undertake this task with pleasure, but I will premise that in the course of this letter (seeking clearness more than precision) I will not trouble you with an attention to fractional sums, but rather to round numbers.

You will remember, sir, that shortly after your arrival in this country the Congress, while they continued their drafts for interest, added a number of other bills on Dr. Franklin at a long sight, which they directed to be sold, and urged by their necessities, and relying on the success of measures then just undertaken, they drew other bills at a long sight on their ministers in Spain and Holland. Before this they had drawn bills on Dr. Franklin in favor of M. de Beaumarchais for nearly three millions, of which two millions and a half were payable in June, 1782. The amount of all these bills, exclusive of those to M. de Beaumarchais, was between thirteen and fourteen millions. How great a proportion of this sum had been paid and how much remained due it was impossible for me to determine with precision, because I had not received the accounts, but the best estimate in my power was made.

Your excellency will also remember that, from the sketch which you did me the honor to deliver from the Count de Vergennes, there was due on the Dutch loan of 1781 about four millions, or three and a half after deducting the supposed expenses of that loan. I considered this balance as sufficient to liquidate what I estimated to remain due of the several bills drawn by order of Congress as above mentioned, excepting the two millions and a half payable in June last. I perceive, however, from Mr. Grand's accounts that, although his majesty, among other acts of his royal generosity, remitted the expenses of the loan, yet the balance actually touched by the banker amounted only to about two and a half millions. Thus there was a deficiency of a million in what I had relied upon to acquit former engagements. It is necessary for me to mention here that I had allowed also for a supposed deduction on account of the Virginia goods, but as I had also supposed that fewer of the Congress bills remained unpaid than appeared afterwards to have been, so one error eventually corrected the other, and left the deficiency still at a million. It is proper also to observe further that, although the loans and subsidies of 1781, amounting in the whole to twenty millions, had been principally employed in the purchase of clothing and military stores, yet the continuance of those things in Europe, by various delays and mischances, obliged me to make provision for the same articles here, forming thereby a heavy deduction from the small means which were at my disposal.

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\* MSS. Dep. of State; 6 Sparks' Dip. Rev. Corr., 578.

Having said thus much of things previous to the year 1782, I must now take the liberty to remind your excellency that I had requested the sum of twelve millions for that year, on the principle that, after deducting two millions and a half for M. de Beaumarchais, the remaining nine and a half would be absolutely necessary, and I then did expect much more from the States than has been received. The court, however, granted only six millions, but I had every reason to suppose that this sum would be exclusively at my disposition, and therefore, in consequence of your excellency's assurances, and according to your advice, I drew twelve bills of half a million each on Mr. Franklin in favor of Mr. Grand, and I appropriated this money to the payment of what bills I should draw on him, excepting a part which I desired him to ship during the last summer, when bills were not salable, and which I expected here in November or December; but as it did not arrive I conjectured, as the event has shown, that no shipment was made, and extended my bills accordingly. As to M. de Beaumarchais' bills, I expected that some arrangement might have been taken with relation to them, according to our conversations; for, although you declared that you had no instructions on that subject, yet you saw with me that our funds would not bear such a deduction, and the line of conduct which you advised was precisely that which I pursued, as I shall presently have occasion to mention.

I relied, then, on the loan of six millions, and on three millions which Mr. Adams had obtained in Holland so long ago as in September last. My appropriation of these sums was as follows: Bills drawn on Mr. Grand in 1782 for six millions, being the amount of the loan made by his majesty; one million negotiated through the Havana; half a million which I directed for payment of interest on the Dutch loan of 1781; and a million and a half drawn for in 1783, at the time I had the honor to speak to your excellency, formed the amount of three millions in Holland, which by the acts of Congress were exclusively at my disposition.

It was not, therefore, until the investigation of Mr. Grand's accounts that I was struck with the deficiency above mentioned, and which arose from the difference of one million due on the former transactions more than I had calculated, and two millions and a half to M. de Beaumarchais. The moneys which I supposed to be at my sole disposal were, I found, subject to Dr. Franklin's order, and therefore Mr. Grand, instead of six millions, possessed only two and a half towards answering my bills drawn in 1782. I had written to Dr. Franklin in the manner agreed between us as to M. de Beaumarchais. But the money was paid before the letter arrived. I should not, however, do that justice to Dr. Franklin which I ought if I did not observe that I think he was perfectly right in causing those bills to be paid. You will consider, sir, that they had been drawn in 1779, and negotiated for three years through different parts of Europe and America on the public faith and credit of the United States. It is a very moderate calculation to suppose

that a thousand different people were interested in the sum of three and a half millions. Protesting the bills, therefore, would have sent them back again from one person to another, affixing a stigma on our character wherever they went. The necessary consequence would have been, not only a total loss of credit in Europe, but that no person here would have bought my bills. The funds, therefore, which I could command would have been useless, and the difference between not having money and not being able to use it is immaterial.

Having said thus much, sir, on the reason of the deficiency, I find it proper to add that the bills drawn in December and November amount to two millions, which, being at thirty days' sight, will not be payable until February or March next. One million, negociated through the Havana on Cadiz, thence to Paris, &c., will not finally be payable until March and April. And one million drawn the beginning of this month, at one hundred days' sight, will not fall due until some time in April and May. On the other hand, any further success of Mr. Adams' loan will apply for the payment.

I trust, from the whole state of these things, your excellency will see that nothing has introduced any disorder into these transactions but the appropriation without my authority of moneys intended to be at my disposition, and that this again has arisen from the utter incapacity of Dr. Franklin any otherwise to acquit the demands on him arising from expenditures made some years before my administration. If I might venture, therefore, to advise, it should be that three and a half or four millions were paid to Mr. Grand as an addition to the loan of 1782, and then the sum which the court may think proper to advance for 1783, being clear of preceding transactions, I will pledge myself that no act of mine shall exceed the limits to be prescribed by your court.

You see, sir, that I rely on aid for the current year; and this brings me to the resolution of Congress, which I had also the honor to communicate. You observed on it with great propriety, as a minister of France, that you advised me not to comply with it; and as a minister of the United States I might reply that I should certainly obey the order of my masters. At the bottom I believe we are both agreed. I would not put my name to a bill if I doubted the payment, and you must be convinced that it is necessary to draw. Not to mention those critical circumstances of the army, which you are perfectly apprized of, it must be remembered how important an effect it might have on the negociations for peace if we should now neglect to prepare for war and much more if we should suffer any serious misfortune. To keep the army together in good humor and prepare for action is a duty which we owe alike to ourselves, to our allies, and to our associates in the war.

I shall, I believe, draw within a month for at least a million. You know, sir, that the funds given by the States are incompetent, and I am sure you will do me the justice to believe that I have done all in my



power to husband our means and to increase them. That I have not talents equal to this task must be lamented and forgiven. It is not my fault, but my misfortune. The share of abilities which I possess, be it what it may, has been faithfully exerted. If, however, I have incurred censure on the present occasion, it must be because I was ignorant of what I could not know and did not perform what was not in my power.

I am, sir, with respect and esteem, &c.,

ROBERT MORRIS.

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Franklin to Oswald.\*

PASSY, *January 14, 1783.*

SIR: I am much obliged by your information of your intended trip to England; I heartily wish you a good journey and a speedy return, and request your kind care of a packet for Mr. Hodgson.

I enclose two papers that were read at different times by me to the commissioners; they serve to show, if you should have occasion, what was urged on the part of America on certain points; or may help to refresh your memory. I send you also another paper, which I once read to you separately. It contains a proposition for improving the law of nations, by prohibiting the plundering of unarmed and usefully employed people. I rather wish than expect that it will be adopted, but I think it may be offered with a better grace by a country that is likely to suffer least and gain most by continuing the ancient practice, which is our case, as the American ships, laden only with the gross productions of the earth, can not be so valuable as yours, filled with sugars or with manufactures. It has not yet been considered by my colleagues; but if you should think or find that it might be acceptable on your side, I would try to get it inserted in the general treaty. I think it will do honor to the nations that establish it.

With great and sincere esteem, I am, sir, your most obedient and most humble servant,

B. FRANKLIN.

PROPOSITIONS RELATIVE TO PRIVATEERING.

It is for the interest of humanity in general that the occasions of war and the inducements to it should be diminished.

If rapine is abolished, one of the encouragements to war is taken away, and peace therefore more likely to continue and be lasting.

The practice of robbing merchants on the high seas, a remnant of the ancient piracy, though it may be accidentally beneficial to particular persons, is far from being profitable to all engaged in it or to the nation that authorizes it. In the beginning of a war, some rich ships, not upon their guard, are surprised and taken. This encourages the first adventurers to fit out more armed vessels, and many others do the same. But the enemy at the same time become more careful, arm their merchant ships better, and render them not so easy to be taken; they go also more under protection of convoys; thus while the privateers to take them are multiplied, the vessels

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\* 2 Sparks' Dip. Rev. Corr., 411; 8 Bigelow's Franklin, 245.

subject to be taken and the chances of profit are diminished, so that many cruises are made wherein the expenses overgo the gains; and as in the case in other lotteries, though particulars have got prizes, the mass of adventurers are losers, the whole expense of fitting out all the privateers during a war being much greater than the whole amount of goods taken. Then there is the national loss of all the labor of so many men during the time they have been employed in robbing; who, besides, spend what they get in riot, drunkenness, and debauchery, lose their habits of industry, are rarely fit for any sober business after a peace, and serve only to increase the number of highwaymen and house-breakers. Even the undertakers who have been fortunate are by sudden wealth led into expensive living, the habit of which continues when the means of supporting it ceases, and finally ruins them; a just punishment for their having wantonly and unfeelingly ruined many honest innocent traders and their families, whose subsistence was employed in serving the common interests of mankind.

#### NEUTRALIZATION OF SUGAR ISLANDS.

Should it be agreed and become a part of the law of nations that the cultivators of the earth are not to be molested or interrupted in their peaceable and useful employment, the inhabitants of the sugar islands would perhaps come under the protection of such a regulation, which would be a great advantage to the nations who at present hold those island, since the cost of sugar to the consumer in those nations consists not merely in the price he pays for it by the pound, but in the accumulated charge of all the taxes he pays in every war to fit out fleets and maintain troops for the defence of the islands that raise the sugar, and the ships that bring it home. But the expense of treasure is not all. A celebrated philosophical writer remarks, that when he considered the wars made in Africa for prisoners to raise sugar in America, the numbers slain in those wars, the numbers that, being crowded in ships, perish in the transportation, and the numbers that die under the severities of slavery, he could scarce look on a morsel of sugar without conceiving it spotted with human blood. If he had considered also the blood of one another, which the white nations shed in fighting for those islands, he would have imagined his sugar not as spotted only, but as thoroughly dyed red. On these accounts I am persuaded that the subjects of the Emperor of Germany and the Empress of Russia, who have no sugar islands, consume sugar cheaper at Vienna and Moscow, with all the charge of transporting it after its arrival in Europe, than the citizens of London or of Paris. And I sincerely believe that if France and England were to decide, by throwing dice, which should have the whole of the sugar islands, the loser in the throw would be the gainer. The future expense of defending them would be saved; the sugars would be bought cheaper by all Europe if the inhabitants might make it without interruption; and whoever imported the sugar, the same revenue might be raised by duties at the custom-houses of the nation that consumed it. And, on the whole, I conceive it would be better for the nations now possessing sugar colonies to give up their claim to them, let them govern themselves, and put them under the protection of all the powers of Europe as neutral countries, open to the commerce of all, the profits of the present monopolies being by no means equivalent to the expense of maintaining them.

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Dana to the Commissioners of the United States at Paris.\*

ST. PETERSBURGH, *January 14, 1783.*

GENTLEMEN: I was honored with your favor of the 12th of December by the late post, enclosing a copy of the preliminary treaty of peace between his Britannic majesty and the United States. I most

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\* MSS. Dep. of State; 4 Sparks' Dip. Rev. Corr., 665.

heartily congratulate with you upon this great event, in which you have had the honor of so distinguished a part. I think that we ought to be, and shall be, satisfied with the terms of peace. But we are here wholly at a loss whether the other belligerent parties will be able to adjust their several pretensions, and of course whether our treaty will take effect. The prevailing opinion here among the best informed is that we shall have a general peace. However this may be, we shall see a war break out on the other side Europe. Some of the powers which will be engaged in it do not wish to see all the present belligerent powers at peace for reasons which will readily occur to you.

I thank you, gentlemen, for your opinions respecting the communication of my mission to the ministers of her Imperial Majesty and of the other neutral powers residing at this court. But "absolute certainty of success" are strong words, and will bind me down to a state of inaction till the conclusion of the present war, unless I should receive positive assurance that things are prepared for my reception, of which I have no expectation. I have yesterday consulted the French minister upon this matter, and acquainted him at the same time with your opinions, as well as communicated to him the preliminary treaty. He thinks that though in this moment I might not meet with a refusal, yet my admission would be, upon various pretences, postponed till advice should be received here whether we are to have peace or war, a question which it is expected will be decided at furthest in the course of a fortnight, and that if the war should be continued I should *not* be received. Thus I am doubly bound down, as above, during the war. If unfortunately the negotiations should be broken off, it is my present determination to retire from this court without communicating my mission, and to return by the first opportunity to America. I can not think it for the honor or interest of the United States, after what has already taken place between them and his Britannic majesty, that I should wait the issue of another campaign. I am persuaded we have nothing to fear from this quarter in any event. If they will not improve a fair occasion which is presented to them to promote the mutual interests of both empires, they may hereafter repent it.

I am, gentlemen, &c.,

FRANCIS DANA.

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Dana to J. Adams.\*

ST. PETERSBURGH,

[January 4, O. S.] January 15, 1783.

DEAR SIR: The post of this day has brought me your favor of the 22d ultimo, in which you acknowledge the receipt of mine of the 25th of November. In the first place, let me thank you and the Doctor for

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\*MSS. Dep. of State; 4 Sparks' Dip. Rev. Corr., 666.

the ready manner in which you have consented to my proposition. You say my treaty may now be made *as soon as I please*. I should rejoice most sincerely if that were the truth of fact.

Besides what is said in my letter to the commissioners, you are acquainted with the positive nature of my last instructions, and know that I can not move till I am advised to do so. There are, in my opinion, no plausible pretences to countenance a refusal at this time. It would mark so strong a partiality as would throw all the dishonor of it upon her Imperial Majesty. Yet things are conducted here in so strange manner, that I can not take upon me to say with certainty what would be the effect of an immediate application. You will readily agree that, all things considered, it would be taking too much upon myself to make it. The ministry are well enough informed of my business, yet they preserve a most profound reserve, which I think is as impolitic as profound. Do you ask me if they do not feel and see that America is independent? That they must soon speak it out? Will they wait till the moment shall arrive when the United States will not thank them for doing so? Will they suffer all the other neutral powers to take the lead of their sovereign in a measure in which she might lead them with so much glory to herself? Yes, I believe all these questions may be answered in the affirmative.

Do you ask how is this to be accounted for? I can say, in general, they are looking for glory towards the east only, when they might find no inconsiderable proportion of it in the west.

I am, &c.,

FRANCIS DANA.

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Dana to Livingston.\*

No. 16.

ST. PETERSBURGH,

[January 4, O. S.] January 15, 1783.

SIR: The post of this week brought me a letter from our commissioners, accompanied with a copy of the preliminary treaty of peace between his Britannic majesty and the United States; but we have not yet any certainty about the state of the negotiations as they respect the other belligerent powers. On this point the commissioners have been totally silent. They have, however, given it as their opinions, judging of things at that distance, "that the present opportunity appears to be the most favorable for me to communicate my mission to the ministers of her Imperial majesty, and to the ministers of the other neutral powers residing at this court."

I immediately communicated the preliminary treaty to the French minister (which he had not received), and also the opinion of our com-

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\* MSS. Dep. of State; 4 Sparks' Dip. Rev. Corr., 667.

missioners; and prayed once more to give me his sentiments upon the subject; which in substance were, that though I might not now meet with an immediate rejection, yet the granting me an audience would be postponed upon various pretences till the issue of the negotiations should be known here, and that if the war should be continued, I should *not* be admitted to an audience. Having his opinion so fully upon this point, there can be no question but that it is my duty to wait the issue of the negotiations. You will be acquainted with this nearly as soon in America as we shall, and all my letters upon the subject will, of course, arrive long after the objects of them have ceased to engage your attention, yet you may wish to know the progress of things here.

A new and important scene seems to be opening upon us. Though the Porte has not interfered in the affair of the restoration of the deposed Khan of the Crimea, yet this forbearance, it is thought, will not save them from the tempest which is gathering about them. The Tartars of the Crimea have been the constant enemies of Russia from the commencement of the thirteenth century to the last war with the Turks, when, in the year 1771, being overpowered by the Russians, they concluded a separate treaty with the Empress, in which they renounced their alliance with the Porte, and placed themselves under her protection. This independence of the Crimea, and of the hordes dependent upon it, was confirmed by the treaty of 1774, between Russia and the Porte, and their right of electing and deposing their Khans at will engaged to them; though it was of importance to Russia to reinstate the deposed Khan, thereby to preserve its newly acquired influence over the Crimea, yet his restoration was probably not the only object in view.

The existence of the connection mentioned in my letter of March 30th, seems no longer to be doubted, or that the object of it (which you will find in the first clause of the paragraph relative to the subject), will be productive of a general war in Europe, if attempted to be carried into execution. How far such an apprehension may influence the present negotiation is uncertain. I think it must be unfavorable to them should the negotiations be unhappily broken off and the prospect of this new war become certain, we being the ally of France, which will be the enemy of her majesty and the enemy of Great Britain, which will be her ally, it will be expedient for me to quit this empire, and to return to America by the first opportunity. Even upon such a supposition, I hope my long residence here will not have been wholly unserviceable to our country.

I have the honor to be, &c.,

FRANCIS DANA.

## Vergennes to Franklin.\*

[Translation.]

VERSAILLES, *January 18, 1783.*

SIR: It is essential that I should have the honor of conferring with you, Mr. Adams, and your other colleagues who are in Paris. I therefore pray you to invite these gentlemen to come out to Versailles with you on Monday, before ten o'clock in the morning. It will be well also if you will bring your grandson. It will be necessary for much writing and translating from English into French to be done. The object for which I ask this interview is very interesting to the United States.

I have the honor to be, sir,

DE VERGENNES.

## Franklin to Vergennes.†

PASSY, *January 18, 1783.*

SIR: Agreeably to the notice just received from your excellency, I shall acquaint Mr. Adams with your desire to see us on Monday before ten o'clock at Versailles; and we shall endeavor to be punctual. My other colleagues are absent; Mr. Laurens being gone to Bath, in England, to recover his health, and Mr. Jay into Normandy. I shall bring my grandson, as you direct.

With great respect, I have the honor to be, &c.,

B. FRANKLIN.

## Carmichael to Livingston.‡

No. 19.

MADRID, *January 18, 1783.*

SIR: I had the satisfaction to receive some days ago your letters of the 6th of July and the 12th of September, and am sorry that of the many which I have had the honor to write you in the course of the spring and summer none had yet reached you. I hope that this circumstance, which causes me the greatest affliction, will not induce you or others to believe that I have missed any safe occasion of writing to you. Had I been possessed of a cipher, I flatter myself that there would have been less occasion for this complaint. I have been, and am at present, obliged to avail myself of private conveyances to forward my letters to the seaports of France and Spain. These occasions do not offer so frequently as I could desire. Indeed, few American vessels have sailed from Bilboa last summer, and the embargo at Cadiz during

\* 2 Sparks' Dip. Rev. Corr., 413.

† 2 Sparks' Dip. Rev. Corr., 414; 8 Bigelow's Franklin, 250.

‡ MSS. Dep. of State; 5 Sparks' Dip. Rev. Corr., 111, with verbal changes.

part of the campaign prevented me from sending letters regularly from that port. Five vessels, by which my letters were forwarded, have been taken by the enemy, and others, which I was constrained to send by post to L'Orient and other ports of France, taking all the means in my power to prevent their being inspected, although sent from hence in the months of July and August, were not received by my correspondents until the 16th of October. I have received several packets of newspapers from your quarter, without any letters. I must confess to you that this kind of intelligence is very expensive, every packet costing me from five to ten dollars, and we have no allowance for extraordinaries.

Since my last, of the 31st ultimo, I have repeatedly insinuated to those who have the confidence of the ministry my apprehensions that the conduct of Spain would oblige Congress to take steps very different from what were their intentions when they sent Mr. Jay and myself to this court; that I saw with pain the use which Great Britain hoped to make of our resentment; and, to give weight to these insinuations, I availed myself of the letters which the Marquis de la Fayette has done me the honor to address me from Cadiz. I know that these hints have been conveyed to the ministry, and am assured, underhand, that I shall have soon reason to be satisfied. To these assurances I replied that, with all the desire I had to contribute to a lasting harmony between the two countries, it would be impossible for me, consistent with propriety and the idea I had of the dignity of my constituents, to remain here longer unless received formally in the character with which I had been honored by Congress; adding that I should not be surprised to receive letters of recall. The methods taken to persuade me to be tranquil a little longer prove that the court thinks seriously of its situation with respect to the United States; but it will always be with reluctance and an ill grace that it will consent to do what it ought long ago to have done generously.

Some small circumstances persuade me that M. Gardoqui will shortly be despatched. He applies himself to the French language with much assiduity, and throws out hints that he shall soon pay a visit to his wife, whom he has not seen for two years and a half. I am also told by a lady much esteemed by M. Del Campo that he means shortly to leave Spain, for he has promised her that, at his departure, he will give her a set of horses to which he is much attached. It is possible that he may be sent to aid the Count d'Aranda to arrange the commercial articles of the peace, of which the preliminary articles are supposed by this time to be signed.

The two last-mentioned gentlemen have frequently spoke to me of the disadvantages of their commercial connexions with England; and I have seized the opportunity of endeavoring to convince them that, by according certain advantages to our fisheries, and by contracting with us for tobacco, &c., instead of taking the latter article from Portugal, they may at the same time prejudice their natural enemies, and perpetu-

ate a future good understanding with America. Similar representations have been made by me with respect to such articles furnished by the northern powers, and which the States can supply. However, I trust more to the interest I have with the perpetual directors of the bank to obtain these advantages than to any influence of either of these gentlemen.

I have just been shown a copy of the proclamation of pardon and indemnity granted to those concerned in the insurrection at Santa Fé and the adjacent provinces; it was published the 12th of August, 1782. Although the viceroy endeavors to preserve the dignity and honor of the crown in the expressions of this peace, yet, in fact, it accords all the concessions demanded by the malcontents. These disturbances, and the expensive expeditions of the Galvez family, have not only consumed the revenues of the crown in Spanish America received during the war, but mortgaged them for some years to come. I am also informed that the Court means soon to publish a new tariff on the imports to this country. I know that such a measure has been more than two years in agitation, and I believe it will bear hard on the commerce of other nations.

I refer you to former letters for particulars respecting the negotiations for peace. I will only add that the ministry now desire the conclusion of the war, and even are apprehensive of the duplicity of the British cabinet, which apprehensions it is the interest of others to excite and increase. I converse often with those who have their confidence; I know their wants and their fear of not having resources for the continuance of the war, and I am confident they desire peace and fear the reverse. The expedition from Cadiz would not be ready until towards the end of the month, if it shall be found necessary to despatch it. Forty-eight sail of the line, and from eighteen to twenty thousand men, and not from ten to twelve, as mentioned in my last, are to be employed in this expedition. The siege of Gibraltar is obstinately and unprofitably continued, and the King is made to believe that in the course of the year it will be taken by sap.

I have received letters from Paris which advise me that bills for my salary had been mentioned by you to have been sent, but that they had not come to hand. Your letters, and one I received from Mr. Morris, give me the same information. I could wish that my salary should be transmitted directly to me from your department; but as it does not appear convenient, I have directed Mr. John Ross to receive it; and I hope you will have the goodness to facilitate him the means of doing it. A mistake, which is not yet corrected, by Messrs. Drouilliet, our bankers here, in the account they delivered me some time ago, prevents me from transmitting the public accounts with this letter; but in the course of a few days I hope they will be complete, when I will do myself the honor of forwarding them, together with my account against the public. I am in much distress for the arrears. I conclude with fervent wishes that every future year may present the affairs of the United States in the



same favorable point of view in which they appear at the commencement of the present; and with sincere thanks for your indulgence hitherto, I have the honor to be, &c.,

WILLIAM CARMICHAEL.

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Vaughan to Franklin.\*

PARIS, *January 18, 1783.*

MY DEAREST SIR: I can not but in the most earnest manner, and from recent circumstances, press your going early to Versailles to-morrow; and I have considerable reason to think that your appearance there will not displease the person whom you address. I am of opinion that it is very likely that you will have the glory of having concluded the peace by this visit; at least I am sure if the deliberations of to-morrow evening end unfavorably, that there is the strongest appearance of war; if they end favorably, perhaps little difficulty may attend the rest.

After all, the peace will have as much that is conceded in it as England can in any shape be made just now to relish, owing to the stubborn demands, principally of Spain, who would not, I believe, upon any motive recede from her conquests. What I wrote about Gibraltar arrived after the subject, as I understand, was canvassed, and when it of course must have appeared impolitic eagerly and immediately to revive it.

You reproved me, or rather reproved a political scheme yesterday, of which I have heard more said favorably by your friends at Paris than by any persons whatever in London. But do you, my dear sir, make this peace, and trust our common sense respecting another war. England, said a man of sense to me the other day, will come out of the war like a convalescent out of disease, and must be reëstablished by some physic and much regimen. I can not easily tell in what shape a bankruptcy would come upon England, and still less easily in what mode and degree it would affect us; but if your Confederacy mean to bankrupt us now, I am sure we shall lose the great fear that would deter us from another war. Your allies, therefore, for policy and humanity's sake, will, I hope, stop short of this extremity; especially as we should do some mischief to others, as well as to ourselves.

I am, my dearest sir, your devoted, ever affectionate, and ever obliged,

B. VAUGHAN.

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\* 2 Sparks' Dip. Rev. Corr., 414.

Franklin to J. Adams.\*

PASSY, *January 19, 1783.*

SIR: Late last night I received a note from Count de Vergennes, acquainting me that it is very essential he should have a conference with us, and requesting that I would inform my colleagues. He desires that we may be with him before ten on Monday morning. If it will suit you to call here, we may go together in my carriage. We should be on the road by eight o'clock.

With great regard, I have the honor to be, &c.,

B. FRANKLIN.

Jay to La Fayette.†

ROUEN, *January 19, 1783.*

DEAR SIR: Accept my thanks for your obliging letter of the 26th December last, which the Marchioness was so kind as to send me yesterday. I congratulate you on your safe arrival at Cadiz, and you have my best wishes that the same good fortune you have hitherto experienced may continue to attend you.

The state of my health making a change of air and exercise advisable, I left Paris ten days ago on an excursion into Normandy. Hence, I suppose, it has happened that I have neither heard of nor seen your letters to Dr. Franklin. If I am not mistaken, a copy of the American preliminaries has been sent to Spain, and I flatter myself that Count de Montmorin will think them perfectly consistent with our engagements to our allies. It appears to me singular that any doubts should be entertained of American good faith; for, as it has been tried and remains inviolate, they can not easily be explained on principles honorable to those who entertain them. America has so often repeated and reiterated her professions and assurances of regard to the treaty alluded to, that I hope she will not impair her dignity by making any more of them, but leave the continued uprightness of her conduct to inspire that confidence which it seems she does not yet possess, although she has always merited.

Our warmest acknowledgments are due to you for the zeal you manifest to serve America at all times and in all places; but, sir, I have little expectation that your plan of a Spanish loan will succeed. I confess that I am far from being anxious about it. In my opinion America can with no propriety accept favors from Spain.

My absence from Paris has deprived me of the means of information, and, therefore, I can not at present gratify either your wishes or my own on that head. God knows whether or not we shall have peace. A variety of contradictory reports daily reach me, but they deserve little

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\* 2 Sparks' Dip. Rev. Corr., 415; 8 Bigelow's Franklin, 251.

† 2 Jay's Life, 111.

credit. It is again said that Charleston is evacuated—that may be. It is also said the enemy have left New York; but I adhere to my former opinion, and do not believe a word of it.

Mrs. Jay writes me that Mr. Oswald is gone to London, but for what purpose I am ignorant. Thus, my dear sir, are we held in a state of suspense, which nothing but time can remove. I purpose to return next week to Paris, and shall then write to you again. Adieu.

I am, &c.,

JOHN JAY.

Morris to J. Adams.\*

OFFICE OF FINANCE, *January 19, 1783.*

SIR: Although I have not yet been honored with any letters from your excellency, I can not omit the occasion of writing which offers itself by Mr. Jefferson. Having already congratulated you on the acknowledgment of our independence by the States-General, and on the rapid success of your labors, equally splendid and useful, I hope when this letter shall have reached your hands I may have the additional cause of congratulation that the loan you have opened in Holland shall have been completed. This is a circumstance of great importance to our country, and most particularly so to the department which I have the honor to fill. Whatever may be the success of it, whether general or partial, I pray your excellency to favor me by every conveyance with every minute detail which can tend to form my judgment or enlighten my mind.

For the more perfect security of our correspondence I do myself the honor to enclose the counterpart of a cipher, to the use of which you will soon become familiarized; and I hope you will be convinced that any confidence with which you may honor me shall be safely reposed and usefully employed for the public benefit.

I have the honor to be, &c.,

ROBERT MORRIS.

Dumas to Livingston.†

THE HAGUE, *January 20, 1783.*

SIR: This morning M. Thulemeyer, envoy of Prussia, presented the memorial hereto annexed to their high mightinesses. I shall say nothing about it, because I should have too much to say, and because it is better to see what they will say whom it concerns.

To-morrow the chamberlain, Baron de Heide, will set out for Paris,

\* 6 Sparks' Dip. Rev. Corr., 582.

† MSS. Dep. of State; 5 Sparks' Dip. Rev. Corr., 366.

sent by the Prince, to give his most Christian majesty a good opinion of his patriotism, his measures, and his disposition.

The cities of Guelderland and Overysseel continue, after the example of those of Friesland, to raise their heads one after another.

FEBRUARY 22.\*

I have yet to give you an account of a secret and important negotiation and correspondence between the gentlemen here and our ministers at Paris, which has been carried on by my intervention for more than a month. But, besides that it will take much time to copy all these letters, the subject will not allow me to risk the copies at sea until the vessels can navigate with more safety. The article relating to the liberty of the sea is the subject of discussion; this matter they wish to see definitively arranged previously to the general peace, and with good reason.

I congratulate the United States on the signature of the preliminaries between the United States, France, and Spain on one side, and England on the other. God grant that the peace may follow soon, and a permanent peace; which can not be without solidly establishing the principles of the armed neutrality between these powers and the Republic.

I am, &c.,

DUMAS.

P. S.—Next Friday this Province will propose the Baron de Dedem, Lord of Peckendam, &c., as minister plenipotentiary of the republic near the United States. The other party is canvassing warmly, but secretly, against him. All appearances, however, are in favor of this good patriot, and I recommend him beforehand as such to your excellency. He is cousin-german of M. de Capelle du Pol, formerly a correspondent of your uncle, the governor of the Jerseys.

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Morris to the President of Pennsylvania.†

OFFICE OF FINANCE, *January 20, 1783.*

SIR: I had the honor to receive your excellency's favor of the 18th on last evening. In answer, it becomes my duty to convey to your excellency the painful information that those affairs of Congress which relate to the public revenue are reduced to the most critical situation. They are now under contemplation of that honorable body, and I shall take the earliest opportunity of communicating to the several States the result of their deliberations.

It is also my duty, sir, on this occasion, to remind your excellency that on the 2d day of November, 1781, the Congress required of the State

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\* The next two paragraphs are not in the original letter.

† MSS. Dep. of State; 6 Sparks' Dip. Rev. Corr., 583.

of Pennsylvania one million one hundred and twenty thousand seven hundred and ninety-four dollars as the quota of that State for the expenditure of the year 1782. This sum was to have been paid in equal quarterly proportions, commencing on the first day of April last. I am extremely sorry to mention that during the whole of the year 1782 there has been received towards the payment of this quota only the sum of one hundred and seven thousand nine hundred and twenty-five dollars and twenty-four ninetieths, being less than a tenth of the sum required. It is of little avail, sir, that the army, who are the immediate sufferers, or the people of America, whose national existence is so imminently hazarded, should be told that a law has been enacted for raising the sum required. Laws not executed, or which from their nature are not to be executed, only substitute deception in the place of denial. Congress can never believe that a State seriously means a compliance with the demands made on it unless the laws be such that responsible officers be sufficiently empowered to collect the taxes by certain specified periods, and that the Continental receiver of taxes be empowered, after such periods shall have elapsed, to issue executions against the persons and estates of those officers for any deficiency which may remain of the sums payable by them respectively.

I have the honor to be, &c.,

ROBERT MORRIS.

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**La Fayette to Carmichael.\***

CADIZ, *January 20, 1783.*

DEAR SIR: Your letter of the 14th has this day come to hand. The occasion of it I lament, but it becomes my duty to answer it.

From an early period I had the happiness to rank among the foremost in the American Revolution. In the affection and confidence of the people I am proud to say I have a great share. Congress honors me so far as to direct that I am to be consulted by their European ministers, which circumstances I do not mention out of vanity, but only to show that, in giving my opinion, I am called upon by dictates of honor and duty, which it becomes me to obey.

The measure being right, it is beneath me to wait for a private opportunity. Public concerns have a great weight with me, but nothing upon earth can intimidate me into selfish considerations. To my opinion you are entitled, and I offer it with the freedom of a heart that ever shall be independent.

To France you owe a great deal; to others you owe nothing. As a Frenchman, whose heart is glowing with patriotism, I enjoy the part France has acted and the connexion she has made. As an American, I acknowledge the obligation, and in that I think true dignity consists;

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\* MSS. Dep. of State; 5 Sparks' Dip. Rev. Corr., 403; 2 La Fayette Memoirs, 48.

but dignity forbade our sending abroad political forlorn hopes, and I ever objected to the condescension; the more so, as a French treaty had secured their allies to you; and because America is more likely to receive advances than to need throwing herself at other people's feet.

The particulars of the negociation with Spain I do not dwell upon. In my opinion they were wrong, but I may be mistaken. Certain it is, that an exchange of ministers ought to have been, and now an exchange of powers must be, upon equal footing. What England has done is nothing, either as to the right or the mode. The right consisted in the people's will, the mode depends upon a consciousness of American dignity. But if Spain has hitherto declined to acknowledge what the elder branch of the Bourbons thought honorable to declare, yet it will be too strange that England ranks before her in the date and the benefits of the acknowledgment.

There are more powers than you know of who are making advances to America; some of them I have personally received; but you easily guess that no treaty would be so pleasing as the one with Spain. The three natural enemies of Britain should be strongly united. The French alliance is everlasting; but such a treaty between the friends of France is a new tie of confidence and affection. The Spainards are slow in their motions, but strong in their attachments. From a regard to them, but still more out of regard to France, we must have more patience with them than with any other nation in Europe.

But peace is likely to be made, and how, then, can the man who advised against your going at all propose your remaining at a court where you are not decently treated? Congress, I hope, and through them the whole nation, do not intend their dignity to be trifled with, and for my part I have no inclination to betray the confidence of the American people. I expect peace, and I expect Spain to act by you with propriety; but should they hesitate to treat you as a public servant of the United States, then, however disagreeable the task, Mr. Carmichael had better go to Paris, where France may stand as a mediator, and through that generous common friend we may come to the wished-for connexion with the court of Spain.

With a high regard and sincere affection, &c.,

LA FAYETTE.

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**English Commissioners' Declaration of the Cessation of Hostilities.\***

**DECLARATION.**

*PARIS, January 20, 1783.*

Whereas the preliminary articles agreed to and signed this day between his majesty the King of Great Britain and his most Christian majesty on the one part, and also between his said Britannic majesty and

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\* MSS. Dep. of State; 5 Sparks' Dip. Rev. Corr., 475.

his Catholic majesty on the other part, stipulate a cessation of hostilities between those three powers, which is to commence upon the exchange of the ratifications of the said preliminary articles; and whereas, by the provisional treaty signed on the thirtieth of November last, between his Britannic majesty and the United States of North America, it was stipulated that the said treaty should have its effect as soon as peace between the said crowns should be established, the underwritten minister plenipotentiary of his Britannic majesty declares, in the name and by the express order of the King his master, that the said United States of North America, their subjects, and their possessions, shall be comprised in the suspension of arms above mentioned, and that they shall, consequently, enjoy the benefit of the cessation of hostilities, at the same periods and in the same manner as the three crowns aforesaid, and their subjects and possessions, respectively; on condition, however, that on the part and in the name of the said United States of North America there shall be delivered a similar declaration, expressing their assent to the present suspension of arms, and containing an assurance of the most perfect reciprocity on their part.

In faith whereof we, the minister plenipotentiary of his Britannic majesty, have signed this present declaration, and have thereto caused the seal of our arms to be affixed, at Versailles, this twentieth day of January, one thousand seven hundred and eighty-three.

ALLEYNE FITZHERBERT.

SIGNATURE OF THE ABOVE DECLARATION BY THE AMERICAN COMMISSIONERS.

We, the underwritten ministers plenipotentiary of the United States of North America, having received from Mr. Fitzherbert, minister plenipotentiary of his Britannic majesty, a declaration relative to a suspension of arms to be established between his said majesty and the said States, of which the following is a copy, viz: [See the preceding declaration.]

We have, in the name of the said United States of North America, and in virtue of the powers we are vested with, received the above declaration, and do accept the same by these presents, and we do reciprocally declare, that said States cause to cease all hostilities against his Britannic majesty, his subjects and possessions, at the terms or periods agreed to between his said majesty the King of Great Britain, his majesty the King of France, and his majesty the King of Spain, in the same manner as stipulated between those three crowns, and to have the same effect.

In faith whereof we, ministers plenipotentiary from the United States of America, have signed the present declaration, and have hereunto affixed the seals of our arms, at Versailles, the twentieth of January, one thousand seven hundred and eighty-three.

JOHN ADAMS,  
B. FRANKLIN.

JANUARY 21, 1783.

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Franklin to Livingston.\*

PASSY, *January 21, 1783.*

SIR: I have just received your letters of 9th November and 3d of December. This is just to inform you, and to request you to inform Congress, that the preliminaries of peace between France, Spain, and England were yesterday signed, and a cessation of arms agreed to by the ministers of those powers, and by us in behalf of the United States, of which act, so far as relates to us, I enclose a copy. I have not yet obtained a copy of the preliminaries agreed to by the three crowns, but hear, in general, that they are very advantageous to France and Spain. I shall be able, in a day or two, to write more fully and perfectly. Holland was not ready to sign preliminaries, but their principal points are settled. Mr. Laurens is absent at Bath, and Mr. Jay in Normandy, for their healths, but will both be here to assist in forming the definitive treaty. I congratulate you and our country on the happy prospects afforded us by the finishing so speedily this glorious Revolution, and am, with great esteem, sir, &c.,

B. FRANKLIN.

Morris to Washington.†

OFFICE OF FINANCE, *January 21, 1783.*

SIR: I have received your excellency's favor of the 6th and 8th instant. I have directed the commissary of marine prisoners to appoint a proper agent at Dobbs' Ferry, and I hope for your excellency's advice to him on that occasion, which he will be desired to apply for. Without wishing to incur the blame of too great suspicion, I take the liberty to suggest (as an additional reason for caution) that moneys intended for commercial pursuits might be transmitted under the idea of relieving prisoners. Mr. Skinner has never yet communicated his returns or accounts.

It was with very great pleasure, sir, that I paid the money you desired to Mr. Adams, and I beg you to believe that I shall at all times be happy to facilitate your views. At present the negotiation happens, by good luck, to minister alike to your convenience and mine. I am very sorry that you did not make an earlier mention to me of your demands for secret service. I would have anticipated your views had it not escaped my attention, for be the distresses of my department what they may, this is of too much importance ever to be neglected. I think it best in future that a solid arrangement should be taken, and for this purpose I will give directions to the Paymaster General always to keep some money in the hands of his deputy, to answer your drafts for con-

\* MSS. Dep. of State; 2 Sparks' Dip. Rev. Corr., 415, with verbal changes; 8 Bigelow's Franklin, 252.

† MSS. Dep. of State; 6 Sparks' Dip. Rev. Corr., 584.



tingencies and secret service. I have, as you will see, taken methods to put the deputy in cash, and then your excellency will be relieved from any further care than the due application. I am, however, to pray, for the sake of regularity in accounts, that your excellency, in the warrants, would be so kind as to specify the particular service when on the contingent account, and draw in favor of one of your family on account of secret services, mentioning that it is for secret service. I shall direct Mr. Swanwick to endorse the bills on you in favor of Mr. Adams to the Paymaster General, whose deputy will receive from your excellency the amount.

I have the honor to be, &c.,

ROBERT MORRIS.

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J. Adams to Livingston.\*

PARIS, January 22, 1783.

SIR: Upon a sudden notification from the Count de Vergennes, Mr. Franklin and myself, in the absence of Mr. Jay and Mr. Laurens, went to Versailles, and arrived at the Count's office at ten o'clock on Monday, the 20th of this month. At eleven, arrived the Count d'Aranda and Mr. Fitzherbert. The ministers of the three crowns signed and sealed the preliminaries of peace and an armistice in presence of Mr. Franklin and myself, who also signed and sealed a declaration of an armistice between the crown of Great Britain and the United States of America, and received a counter declaration from Mr. Fitzherbert. Copies of these declarations are enclosed.

The King of Great Britain has made a declaration concerning the terms that he will allow to the Dutch; but they are not such as will give satisfaction to that unfortunate nation, for whom, on account of their friendship for us, and the important benefits we have received from it, I feel very sensibly and sincerely. Yesterday we went to Versailles again, to make our court to the King and royal family upon the occasion, and received the compliments of the foreign ministers.

The Count d'Aranda invited me to dine with him on Sunday next, and said he hoped that the affairs of Spain and the United States would be soon adjusted *à l'aimable*. I answered that I wished it with all my heart. The two Floridas and Minorca are more than a *quantum meruit* for what this power has done, and the Dutch unfortunately are to suffer for it. It is not in my power to say when the definitive treaty will be signed. I hope not before the Dutch are ready—in six weeks or two months at farthest, I suppose.

It is no longer necessary for Congress to appoint another person in my place in the commission for peace, because it will be executed before this reaches America. But I beg leave to renew the resignation of the

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\* MSS. Dep. of State; 4 Sparks' Dip. Rev. Corr., 7, with verbal changes; 8 J. Adams' Works, 95,

credence to the States-General, and the commission for borrowing money in Holland, and to request that no time may be lost in transmitting the acceptance of this resignation, and another person to take that station, that I may be able to go home in the spring ships.

I have the honor to be, &c.,

JOHN ADAMS.

J. Adams to Livingston.\*

PARIS, *January 23, 1783.*

SIR: The letters you did me the honor to write on the 6th and 18th of November came safe to hand.

You do me honor, sir, in applauding the judgment I have formed from time to time of the court of Britain, and future ages will give me credit for the judgment I have formed of some other courts. The true designs of a minister of state are not difficult to be penetrated by an honest man of common sense, who is in a situation to know anything of the secret of affairs, and to observe constantly the chain of public events; for whatever ostensible appearances may be put on, whatever obliquities may be imagined, however the web may be woven, or the thread doubled and twisted, enough will be seen to unravel the whole.

My opinions, as you observe, sometimes run counter to those generally received; but the reason of this has generally been that I have had evidence earlier than the generality, and I have had the satisfaction to find that others have formed the same judgment when they have had the same intelligence. I do not affect singularity, nor love to be in a minority, though truth and justice have sometimes obliged me to be so. You say that nothing can be more conformable to your wishes than the instructions I transmitted. I am not surprised at this; it is very natural. Had I never been on this side of the Atlantic I believe I should have been of your mind in this particular. At present I can not be, and I believe by this time the Dutch regret having given them. You will hear enough of the reason of it. I have lived long enough, and had experience enough of the conduct of governments and people, nations and courts, to be convinced that gratitude, friendship, unsuspecting confidence, and all the most amiable passions in human nature, are the most dangerous guides in politics. I assure you, sir, if we had not been more cautious than the Dutch we should have been worse off than they, and our country would have suffered much more.

Mr. Laurens has been here, and has behaved with great caution, firmness, and wisdom. He arrived so late as only to attend the two last days of the conferences, the 29th and 30th of November. But the short time he was with us he was of great service to the cause. He has done great service to America in England, where his conversation has been

\* MSS. Dep. of State; 4 Sparks' Dip. Rev. Corr., 8, with verbal changes; 8 J. Adams' Works, 96.

such as the purest and firmest American could wish it, and has made many converts. He is gone again to Bath, and his journey will do as much good to his country as to his health. He will return to the signature of the definitive treaty.

The ratifications of my contracts have been received.

The release of Captain Asgill was so exquisite a relief to my feelings that I have not much cared what interposition it was owing to. It would have been a horrid damp to the joys of peace if we had received a disagreeable account of him.

The difference between Denmark and Holland is of no serious nature. The clue to the whole is the Queen Dowager is sister to the Duke of Brunswick; but there is nothing to fear from Denmark. As to the northern powers, we have nothing to fear from any of them. All of them, and all the neutral powers would have acknowledged our independence before now, by receiving Mr. Dana to sign the principles of the armed neutrality, if he had not been restrained from acting. The unlimited confidence of Congress has been grossly abused, and we should have been irreparably injured if we had not been upon our guard. As our liberties and most important interests are now secured, as far as they can be, against Great Britain, it would be my wish to say as little as possible of the policy of any minister of our first ally, which has not been as we could desire, and to retain forever a grateful remembrance of the friendly assistance we have received. But we have evidence enough to warn us against unlimited confidence in any European minister of state.

I have never drawn upon Dr. Franklin for any money since the end of my two and a half years' salary; and he tells me he has made no use of the bills. I had received money for my subsistence of Messieurs Willinks, and as it will be but a few months more, at farthest, that I shall have to subsist in Europe, I beg leave to proceed to the end in the same way. I shall receive only the amount of my salary, and settle the account with Congress on my return.

I hope to be safely landed on my native shore in the month of June, and to this end I beg that an appointment may be made to the Dutch mission, and the acceptance of my resignation be transmitted to me by the first ships.

I have the honor to be, &c.,

JOHN ADAMS.

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Morris to the President of Congress."

OFFICE OF FINANCE, *January 24, 1783.*

SIR: As nothing but the public danger would have induced me to accept my office, so I was determined to hold it until the danger was past, or else to meet my ruin in the common wreck. Under greater

difficulties than were apprehended by the most timid, and with less support than was expected by the least sanguine, the generous confidence of the public has accomplished more than I presumed to hope.

Congress will recollect that I expressly stipulated to take no part in past transactions. My attention to the public debts, therefore, arose from the conviction that funding them on solid revenues was the last essential work of our glorious Revolution. The accomplishment of this necessary work is among the objects nearest my heart, and to effect it I would sacrifice time, property, and domestic bliss.

Many late circumstances have so far lessened our apprehensions from the common enemy that my original motives have almost ceased to operate. But other circumstances have postponed the establishment of public credit in such a manner that I fear it will never be made. To increase our debts while the prospect of paying them diminishes, does not consist with my ideas of integrity. I must, therefore, quit a situation which becomes utterly insupportable. But lest the public measures might be deranged by any precipitation, I will continue to serve until the end of May. If effectual measures are not taken by that period to make permanent provision for the public debts of every kind, Congress will be pleased to appoint some other man to be the superintendent of their finances. I should be unworthy of the confidence reposed in me by my fellow citizens if I did not explicitly declare that I will never be the minister of injustice.

I have the honor to be, &c.

ROBERT MORRIS.

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Dumas to J. Adams.\*

THE HAGUE, *January 24, 1783.*

SIR: The sudden and unexpected manner in which we have received the news of the signing of the preliminaries by all the belligerent powers, except that in which we are most interested here, filled our friends at first with apprehensions; but after having recovered from their first surprise, M. Van Berckel, at the suggestion and on the request of the grand pensionary, in a secret conference, proposed the most dignified and sure method of obtaining the object desired and desirable to all. The grand pensionary adopted it with eagerness, and it was that M. Van Berckel should request me to consult you as early as possible on this method. It is as follows:

To accelerate the negotiation of a general peace, and to prevent ulterior discussions between their high mightinesses and Great Britain on the question of free and unlimited navigation. Mr. Adams is requested to declare whether he is authorised by Congress to accede to the armed neutrality already concluded between certain powers of Europe, or to enter into a similar negotiation with France, Spain, and the United Provinces.

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\* MSS. Dep. of State; 5 Sparks' Dip. Rev. Corr, 368.

In either case their high mightinesses would make the same proposition to France and Spain, in order to prevent discussions on the subject of the liberty of the seas, which may retard the general peace and assist the Republic in concluding a peace on her part with Great Britain, which may otherwise be delayed by difficulties arising from particular stipulations or arrangements to be made with England on this subject.

The definitive treaty between England and the Republic might then be concluded, with a reserve of the natural right of all nations who are in the enjoyment of this right, unless they should modify it by particular treaties on the subject of contrabands, recognized as such by the contracting parties.

Mr. Adams is requested to communicate his ideas on this subject as speedily as possible, and to add his views on the means of furthering ~~such~~ a negotiation and hastening the conclusion of the general peace, since it appears that the Republic could meanwhile accede to the armistice which must result from the signing of the preliminaries of peace by the other belligerent powers, and treat with England on all the points in dispute.

It is for you to decide if you will confer ministerially with M. Brantzen on this matter.

It only remains for me to present to you the compliments of M. Van Berckel, with the warmest expression of his esteem. He has just left me to give me an opportunity of writing the above.

I am, &c.,

DUMAS.\*

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Franklin to Vergennes.†

PASSY, *January 25, 1783.*

SIR: I received the letter your excellency did me the honor of writing to me the 31st of the last month relative to the fresh pecuniary aid which the King was disposed to grant to the Congress. I received also a second letter on the same subject, dated the 16th instant. I am extremely sensible of his majesty's goodness in according a new loan to the United States of six millions, and I accept the same in their behalf with the most perfect gratitude. Considering the enormous expense this extensive war must occasion to his majesty, I did hope to avoid the necessity of repeating their original request of a larger sum, and with this view have had many consultations and considered various schemes with our banker, Mr. Grand, for procuring money elsewhere. This, with other circumstances, occasioned my so long delay in answering, which I beg you would excuse. None of those schemes proving practicable, I am constrained by my orders humbly to request that the matter may be reconsidered, and that at least six millions more may be added. A peace will diminish both the King's expense and ours. I hope the request may be granted, and that it may be sufficient for our occasions. I am, however, ready to enter into and sign the contract your excellency mentions for whatever sum his majesty's wisdom and

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\* See Adams' reply to this letter, *infra* January 29, 1783.

† MSS. Dep. of State.

goodness shall think fit to direct. I enclose the resolution of Congress empowering me to borrow the twenty millions, in which their sense of his majesty's friendship is strongly expressed.

I am, with great respect, &c.,

B. F.

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Jay to Franklin.\*

PARIS, *January 26, 1783.*

SIR: It having been suspected that I concurred in the appointment of your grandson to the place of secretary to the American commission for peace *at your instance*, I think it right thus unsolicited to put it in your power to correct the mistake.

Your general character, the opinion I had long entertained of your services to our country, and the friendly attention and aid with which you had constantly favored me after my arrival in Spain impressed me with a desire of manifesting both my esteem and attachment by stronger evidence than professions. That desire extended my regard for you to your grandson. He was then indeed a stranger to me; but the terms in which you expressed to Congress your opinion of his being qualified for another place of equal importance were so full and satisfactory as to leave me no room to doubt of his being qualified for the one above mentioned. I was therefore happy to assure you, in one of the first letters I afterwards wrote you from Spain, that in case a secretary to our commission for peace should become necessary, and the appointment be left to us, I should take that opportunity of evincing my regard for you by nominating him, or words to that effect. What I then wrote was the spontaneous suggestion of my own mind, unsolicited, and I believe unexpected, by you.

When I came here on the business of that commission I brought with me the same intentions, and should always have considered myself engaged by honor as well as inclination to fulfil them, unless I had found myself mistaken in the opinion I had imbibed of that young gentleman's character and qualifications; but that not being the case, I found myself at liberty to indulge my wishes and be as good as my word. For I expressly declare that your grandson is, in my opinion, qualified for the place in question, and that if he had not been, no consideration would have prevailed upon me to propose or join in his appointment.

This explicit and unreserved statement of facts is due to you, to him, and to justice, and you have my consent to make any use of it that you may think proper.

I have the honor to be, sir, with great respect,

JOHN JAY.

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\* 2 Sparks' Dip. Rev. Corr., 416.

Dumas to J. Adams.\*

THE HAGUE, *January 28, 1783.*

SIR: You have probably received to day my letter of the 24th, sent by a courier of the French ambassador. It is of the utmost importance to those on behalf of whom I wrote it, and they wait with anxiety for your answer, because the effect they expect it to produce, is in their opinion alone able to repair the immense and unpardonable fault (I use their words) which has been committed in abandoning, sacrificing, and deluding them. This is their own language even to the ambassador, who wishes them to enter upon this negociation directly with the French minister, and in that case promises them complete success; this they flatly refuse. He said to me and to them too, that he thought you would make no difficulty in taking it upon yourself, but that your colleagues would probably oppose it. They replied that not seeing any reason why any opposition should be made to the joint adoption of the measure by the three belligerents, rather than leave it to the caprice of the minister of a single power, they should consider any such opposition as owing to the influence of such minister; that then it would be useless to apply any longer to them for any negotiations whatever, and in that case his excellency must in future be contented to apply to their high mightinesses, without requiring them and their cities to expose themselves farther to contempt and danger.

I have thought it my duty in so important an affair to inform you fully of all the circumstances. I will add that the nation is indignant at the last act of the French minister, and that he will lose their confidence entirely if he intrigues against that measure which they propose with an entire reliance on your candor and your good intentions.

Yesterday I read to the grand pensionary *in extenso* the copy of the preliminaries between America and Great Britain with which you have favored me. I then read it to other friends, but no one shall have a copy until you grant permission.

M. de Gyzelaer, whom I have seen this morning, and Messrs. Van Berckel and Visscher, with whom I supped last evening, have directed me to give their most respectful compliments to your excellency.

I have the honor to be, &c.,

DUMAS.

J. Adams to Dumas.†

PARIS, *January 29, 1783.*

SIR: Upon receiving the letter which you did me the honor to write me on the 24th, late last evening, I went immediately to consult with my colleague, Mr. Jay, and we agreed to go this morning to Dr. Frank-

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\* 5 Sparks' Dip. Rev. Corr., 370.

† 4 Sparks' Dip. Rev. Corr., 10; 8 J. Adams' Works, 30.

lin. Accordingly to day we went together to Passy, and communicated your letter to him, and after recollecting the powers we have receiyed, we all agreed that I should make you the following answer.

You will readily recollect the resolutions of Congress which I did myself the honor two years ago to communicate to the president of their high mightinesses, and to the ministers of Russia, Sweden, and Denmark, at The Hague. The letter to the president was sent "*au greffe*," and there may, perhaps, be now found. These resolutions contained the approbation of Congress of the principles of the declaration of the Empress of Russia, and authorized any of the American ministers in Europe, if invited thereto, to pledge the faith of the United States to the observance of them.

Some time after this Congress sent Mr. Dana a commission with full power to accede to the principles of the marine treaty between the neutral powers, and he is now at Petersburgh vested with these powers, and according to late intelligence received from him, has well-founded expectations of being soon admitted.

It is the opinion of my colleagues, as well as my own, that no commission of mine to their high mightinesses contains authority to negotiate this business, and we are all of opinion that it is most proper that Mr. Dana should negotiate it.

But as there has been no express revocation of the power given to all or any of us by the first resolutions, and if the case should happen that Mr. Dana could not attend in season on account of the distance, for the sake of accelerating the signature of the definitive treaty of peace, we should not hesitate to pledge the faith of the United States to the observance of the principles of the armed neutrality. I wish it were in my power to give you a more satisfactory answer, but candor will warrant no other.

With great respect to the gentlemen, as well as to you, I have the honor to be, sir, &c.,

JOHN ADAMS.

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Dumas to J. Adams.\*

THE HAGUE, *January 30, 1783.*

SIR: The letters I had the honor to write you on the 24th and 28th instant are the most faithful picture of the sentiments of our Republicans. I have added nothing of my own; on the contrary I have softened the matter as much as possible. If the affair can not be arranged as I have proposed, the credit of France here is gone forever. I send you copies of letters relative to this subject, as I have promised. France and our Republicans have been from that time the object of the bitterest sarcasms and raillery of the evil disposed; and our Republic-

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\* 5 Sparks' Dip. Rev. Corr., 371.



ans, without losing their courage in opposition to their domestic adversaries, are indignant, and have no longer any confidence in what is said to them by the French ministry to color what is past, or to engage them to adopt further measures. They pity the Duc de la Vauguyon personally, and say that he is sacrificed, and that he is deprived of all the fruits of his wise measures, indefatigable industry, and splendid success here; by a stroke of the pen. They declare besides that they will not be ruled, influenced or kept in leading-strings by France nor by England, and that whatever may be proposed by France, they will carry it to their cities without sufficient guarantees in their pockets. If you carry the measure I have proposed, it will be, in my opinion, an important political stroke of the greatest advantage to the United States, because it will establish their credit, dignity, and glory here forever. Your judgment and profound penetration render it unnecessary for me to enter into long reasonings on this subject. It is enough that this measure will be equally advantageous to all, since all will participate in it, and will guaranty it to each other.

The Count de Llano requested me this morning to communicate to him the preliminaries of which the Duc de la Vauguyon told him I had a copy. He was satisfied with my reasons for declining to give him a copy, and with the verbal account I gave him of their substance. I have done the same favor to M. Asp.

I have the honor to be, &c.,

DUMAS.

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Dana to Livingston.\*

No. 17.

ST. PETERSBURGH,  
(January 20, O. S.) January 31, 1783.

SIR: We still remain in the same uncertainty about the negotiations of the other belligerent powers, yet they are believed to be in a favorable state, and it is expected we shall soon receive the news of the preliminaries being signed by them all. If so, I should think the approaching war with the Turks will not be productive of a general war in Europe; for it seems repugnant to the interests of some of the present belligerent powers to close this war with an almost certain prospect before them of being speedily engaged in another.

In a letter received by the last post from Mr. Adams, he informs me that Dr. Franklin and himself had agreed to advance the money necessary to the conclusion of a commercial treaty with her Imperial majesty; so that I have now only to wait the issue of the present negotiations for peace. Whenever that moment arrives, I shall endeavor to make all convenient despatch in the business of the treaty, to the end

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\* MSS. Dep. of State; 4 Sparks' Dip. Rev. Corr., 668.

that if any of our vessels should arrive here early in the spring, which seems probable, they may reap the benefit of it. I shall immediately after return to America, as I have proposed to do in my letter of the 23d of September last. I do not foresee any inconvenience that will happen to our interests in consequence of our being without a minister at this court for some time. I hope, therefore, that Congress will not take it amiss that I should return without obtaining the express permission for it. Besides the reasons given in my letter of the 27th ultimo, which appear to me to render such a step necessary, my health has suffered so much since my coming into this climate, that every consideration presses me to quit it as soon as possible. I have not been honored with any letter from you since No. 6.

I am, with the greatest respect, &c.,

FRANCIS DANA.

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Dumas to J. Adams.\*

THE HAGUE, *February 4, 1783.*

SIR: Your favor of the 29th has fully satisfied the gentlemen; and the pensionary, M. Van Berckel, in the name of all, has directed me to thank you, and to assure you that it is precisely what they wanted, and what they hoped would be done by you and your colleagues, and that you may rely entirely on them, as they rely perfectly on you, in subsequent proceedings. I have also communicated it to the grand pensionary, who appeared to think with them, and I have been assured from good authority that he has no less reason than France to desire that the English party should no longer prevail here. I have the respects of all to present to you. I am delighted to find them so easy to be satisfied; for it appears to me that they ask nothing more than the mutual guarantee which is provided for in the treaties of America with this Republic and with France. They are determined not to sign until the article relating to navigation shall be in the terms proposed, and not to cede Negapatnam; and they fear that if France does not find some remedy for this difficulty, she will again lose the confidence and favor of this nation, which are of more importance to her than Tobago.

The Count de Vergennes, to excuse the precipitancy in signing the treaty, has said to the ministers of the Republic at Paris that on one side America, who declared herself exhausted, feared an insurrection if the taxes were increased, demanded through Dr. Franklin twenty millions for the ensuing campaign, if there were one, and wished to enjoy peace and her treaty rather than to risk the continuance of the war, which might prevent the execution of it; and on the other Spain, who, equally exhausted, demanded this conclusion absolutely, had compelled France to sign so precipitately; but this does not affect the in-

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\* 5 Sparks' Dip. Rev. Corr., 372.

tention of his majesty not to conclude unless their high mightinesses are included in the general peace and are satisfied. God grant it may be so! It appears that the ambassador and the grand pensionary have received, each by his own courier, the same assurances. The latter, however, has not yet imparted his despatches to our other friends. I have taken care to treat the nation with the Boston proclamation in the papers of the day.

I have the honor to be, &c.,

DUMAS.

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J. Adams to Dumas.\*

PARIS, *February 5, 1783.*

SIR: I received last night your favor of 30th of January, with the copies of letters enclosed. I am not at all surprised at the sentiments expressed in those copies, nor am I able to give any satisfactory answer to the pungent questions which I read there. I feel very sincerely afflicted for our friends, without being now able, and without having ever been able, to do them any service. I could tell you a very true story, which would convince you that the United States run a great risk of as bad a peace as that of Holland, and that there is no thanks to the minister that your correspondent thinks hard of that we had not a worse. Unsuspecting confidence is ever dangerous in negotiations. The States-General should have had a minister in London as soon as Mr. Rayneval went there, and instead of being instructed to trust so much to another, they should have been instructed to conduct their affairs wholly themselves. You know the situation I am in, and therefore I rely upon your honor to communicate nothing of this to the Duke de la Vauguyon. You know I never liked the French minister of foreign affairs. I had great reasons to distrust him which you know not, but the world may one day see. As to the proposed negotiation for the freedom of navigation, Mr. Dana has full power to treat. And if France and Spain will come into a treaty with Holland upon the subject, Mr. Franklin, Mr. Jay, Mr. Laurens, and myself will treat whilst waiting for Mr. Dana. But, between you and me, I doubt whether the French minister will be for such a treaty. This is merely from conjecture, not knowledge, so that no dependence can be placed upon it. If the English are cunning, they will make a merit with Holland of agreeing to the liberty of navigation; and I expect this is their intention, if they get Negapatnam.

With great esteem,

JOHN ADAMS.

## La Fayette to the President of Congress.\*

CADIZ, *February 5, 1783.*

SIR: Whatever despatch I make in sending a vessel, I do not flatter myself to apprise Congress with the news of a general peace; † yet such are my feelings on the occasion that I can not defer presenting them with my congratulations. Upon their knowledge of my heart I depend more than upon expressions, which are so far inadequate to my sentiments. Our early times I recollect with a most pleasing sense of pride; our present ones make me easy and happy. To futurity I look forward in the most delightful prospects.

Former letters have acquainted Congress that, upon my intending to leave France, I had been detained by their commissioners. To my letter of the 3d of December I beg leave to refer them for a further account of my conduct.

Now the noble contest is ended, and I heartily rejoice at the blessings of peace. Forty-nine ships of the line and twenty thousand men are now here, with whom Count d'Estaing was to join the combined forces in the West Indies, and during the summer they were to co-operate with our American army. Nay, it had lately been granted that whilst Count d'Estaing acted elsewhere, I should enter the St. Lawrence River at the head of a French corps. So far as respects me, I have no regret; but, independent of personal gratifications, it is known that I ever was bent upon the addition of Canada to the United States.

On the happy prospect of peace I had prepared to go to America. Never did an idea please me so much as the hope to rejoice with those to whom I have been a companion in our labors; but however painful the delay, I now must defer my departure. In the discharge of my duty to America no sacrifice shall ever be wanting, and when it had pleased Congress to direct that their ministers should consult with me, it became my first concern to deserve their confidence.

From my letter to Mr. Livingston an opinion may be formed of our situation in Spain. My advice has been called for, and I have given it; my presence is requested, and instead of sailing for America I am going to Madrid, being so far on my way; and as Mr. Jay is in Paris, I think it is better for me to go there. But unless Congress shall honor me

\* MSS. Dep. of State; 5 Sparks' Dip. Rev. Corr., 407; 2 La Fayette Memoirs, 51.

† After various negotiations undertaken from the commencement of the year 1782, the preliminaries of peace between France and England were signed at Versailles the 20th of January, 1783, by M. de Vergennes and M. Fitzherbert, plenipotentiary of his British majesty. These preliminaries were afterwards converted into a final treaty of peace the 3d of September, 1783. It was signed by M. de Vergennes for France, by the Count d'Aranda for Spain, and by the Duke of Manchester for England. The final treaty between Great Britain and the United States was signed the same day at Paris, by Mr. David Hartley on the one side, and Messrs. John Adams, Benjamin Franklin, and John Jay on the other side. The day before the private treaty between Great Britain and the General States of Holland had been likewise concluded at Paris.—Note, 2 La Fayette Memoirs, 51.

with their commands I shall embark in the course of June, and am eager for the moment when I may again enjoy the sight of the American shores.

Now, sir, our noble cause has prevailed; our independence is firmly settled, and American virtue enjoys its reward. No exertions, I hope, will now be wanting to strengthen the Federal Union.

May the States be so bound to each other as forever to defy European politics. Upon that union their consequence, their happiness, will depend. This is the first wish of a heart more truly American than words can express.

With the highest respect, I have the honor to be, &c.,

LA FAYETTE.

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La Fayette to Livingston.\*

CADIZ, *February 5, 1783.*

DEAR SIR: On the 7th of December I had the honor to write to you from Brest, and my letters down to that date have contained accounts of our political affairs; since which time I have been taken up in preparations of a plan that would have turned out to the advantage of America; indeed, it exceeded my first expectations, and to my great surprise the King of Spain had not only consented his forces should co-operate with us, but on the consideration of obtaining a necessary diversion, he had been induced by Count d'Estaing to approve my being detached into Canada with a French force. Nay, had the war continued, I think that, if not for love, at least on political motives they would have consented to offer pecuniary assistance.

The conditions of the peace I do not dwell upon. I hope they are such as will be agreeable in America. They have no doubt been sent from France, and the part that respects the United States will have been immediately forwarded for their ratification. I do not hope to send you the first tidings of a general peace, yet I have prevailed upon a small vessel to alter her course, and my own servant is going with the despatches, to prevent either neglect or other accidental delays.

On the moment of my arrival at Cadiz I began a close correspondence with Mr. Carmichael. It at first respected money matters, but soon took a still more important turn. Having been officially asked my advice upon his future conduct, I gave it in a letter, of which the enclosed is a copy. Whatever light my opinion may appear in at Madrid or elsewhere, I think it is consistent with the dignity of the United States. Now, sir, while enjoying the hope of being in a few weeks on the American shore, I have a letter from Mr. Carmichael, wherein he requests my assistance at Madrid. How far it may serve him I do not know, but since I am thought useful I shall yield to my zeal for the

service of America; I readily give up personal gratifications. On my arrival at Madrid I shall have the honor to give you my opinion of our situation there. Among the Spaniards we have but few well-wishers, and as they, at the bottom, hate cordially the French, our alliance, though a political, is not a sentimental, consideration with them. But I wish a settlement of boundaries may remove the more immediate prospects of dispute. It is, I believe, very important to America, the more so as she became a national ally to France, a national enemy to Britain. But the Spaniards will be forever extravagant in their territorial notions and very jealous of the increase of American wealth and power. But it is good policy for us to be upon friendly terms with them, and I wish, on my return to Paris, that I may carry for Mr. Jay some hopes of better success in his Spanish negociation.

I have just heard that both Floridas were given to Spain. This accounts for Lord Shelburne's condescension in fixing our southern limits. The people of Florida will, I hope, remove into Georgia. But the Spaniards will insist upon a pretended right to an extent of country all along the left shore of the Mississippi. Not that they mean to occupy it, but because they are afraid of neighbors that have a spirit of liberty. I am sorry those people have the Floridas, but as we can not help it, we must endeavor to frustrate Lord Shelburne's views, which I presume are bent upon a dispute between Spain and the United States. A day will come, I hope, when Europeans will have little to do on the northern continent, and God grant it may ever be for the happiness of mankind and the propagation of liberty.

On the perusal of my letter to Mr. Carmichael, I beg you will remember it is calculated to undergo the inspection of both cabinets at Versailles and Madrid, and to be a proof against the unfriendly connexions of a Spanish ministry. Be pleased to tell Mr. Morris that I remember his want of money extends further than occasions of war. At the time of my leaving France I had been made to hope, but do not know for the present what has taken place. On my arrival at Madrid I will be very attentive to that point, but shall take care to preserve the dignity of the United States, of which I have a proper and exalted sense.

In my determination to go to Madrid I have consulted with Mr. Harrison, a gentleman whose residence at this place enables him to know a great deal about the Spaniards. He has to this moment acted as a consul in this place, so far, at least, as to serve his countrymen and spend his own money; for he has no public character, and what he has done he undertook at Mr. Jay's request. There ought, I think, to be a consul at this place, and if the appointment is deferred several inconveniences will be laid upon the American trade. There is no gentleman, exclusive of what his voluntary services deserve, who could better fill the place than Mr. Harrison, and was I to take the freedom to advise, I would warmly recommend him for the appointment.

So far as we know of the Spanish preliminaries, they give up their claim upon having Gibraltar, but keep Mahon, and have the two Floridas. The islands of Providence are returned to England. We hourly expect a French courier. Tobago excepted, they gave up their conquests in the West Indies, and have St. Lucia again. Before the vessel is gone I hope to be more particular. As to the American preliminaries, they have long ago been sent to Philadelphia.

While I am writing, a French courier is arrived. Enclosed you will find an extract of the preliminaries, such as they are, sent to me.

May I beg you will please to communicate my letter to General Washington; though it is a public one I may ask the favor from you, as I would otherwise have sent him a copy of it.

With the highest regard, I have the honor to be, &c.,

LA FAYETTE.

P. S.—I have just received a note from the French ambassador at Madrid, whereby I find that my letter had a good effect.

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La Fayette to Hamilton \*

[Most private.]

CADIZ, February 5, 1783.

Your friendship for me, my dear sir, and the affection I have for you, command my most *confidential* communications. As public affairs have the first place with me, let me tell you that our Articles of Confederation ought to be revised, and measures immediately taken to invigorate the Continental union; depend upon it, there lies the danger for America; this last stroke is wanting, and unless the States be strongly bound to each other we have much to fear from British and, indeed, from European politics. There ought to be delegates from each State, and perhaps some officers among them, one of whom I would be happy to be, who toward next fall would meet together, and under the presidency of General Washington, may devise upon amendments to be proposed in Articles of Confederation, limits of States, &c., &c., &c. As to the army, I hope their country will be grateful; I hope the half-pay affair may be terminated to their satisfaction.

Now, my dear sir, I am going to torment you with my private concerns. First of all, I wish the people of America to know that, when I have lengthened my furlough, it was for their service and at the request of their commissioners; that upon my embarking in a fresh expedition it was with a view to join you in the summer, with forces adequate to every plan General Washington had directed me to promote; that moreover a Canadian expedition was to take place; that then, instead

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\* 1 Hamilton's Works (edited by his son), 325.

descending a vessel, I was going myself to America. But that entreaties from your residents at Madrid have forced me to go there, and probably from there to Paris; but that in the month of June, I am to embark for America. I confess, my dear sir, I have a great value for my American popularity, and I want the people at large to know my affection to them and my zeal for their service. The best way to manage it is to have a resolve of Congress published by way of answer to my letters, wherein their approbation of my conduct will comprehend the above-mentioned matters.

There is another thing which would highly flatter me, and lies within your department; a ratification of the treaty will be sent by Congress to the court of England; it is but an honorary commission that requires only a few weeks', and even a few days', attendance. The sedentary minister you may send, or with me or after me, or, what I would like better, at the time when Great Britain has sent hers to you. So many greater proofs of confidence have been bestowed upon me by Congress that I may truly tell you my wishes upon this very pleasing mark of their esteem. Upon my leaving England, I have been considered there as an enthusiastic rebel and, indeed, a young madman. I would well enough like to present myself there in the capacity of an extraordinary envoy from the United States; and though upon my committing so far the French ambassador, I have been with him on pretty bad terms. Now our friendship has revived, and I am in a situation to lead him into my measures, and to know his secrets without telling him mine.

As to the choice of a minister (this commission being only a compliment), I think it is a very difficult task. I advise to take a gentleman who had no connection with the great men in England; our friend Hamilton would be a very proper choice; you ought to bring it about. Are you acquainted with Col. Harrison, who was in the General's family? There are few men so honest and sensible, but I hope you may send Hamilton, and he knows better than all the British councils.

In case Congress were pleased to do for me what I have so much at heart, I would beg you to send Mr. McHenry to me, a member in the Maryland senate. This, my dear, sir, is entirely confidential for you, and *for you alone*. Should the General be in Philadelphia you may show it to him. Adieu. My best respects wait upon your lady and family.

Most affectionately, I am yours,

LA FAYETTE.

Should you think it of any use to have printed the last paragraph of my letter to Congress, I will be glad of it, as the opinion of one who knows Europe may have some weight with the people.



J. Adams to Livingston.\*

PARIS, *February 5, 1783.*

SIR: The resolution of Congress of the 12th of July, 1781, "that the commission and instructions for negotiating a treaty of commerce between these United States and Great Britain, given to the Honorable John Adams on the 29th day of September, 1779, be, and they are hereby, revoked," was duly received by me in Holland; but no explanation of the motives to it, or the reasons on which it was founded, was ever transmitted to me by Congress, or the committee of Foreign Affairs, or any individual member, nor has anybody in Europe or America ever once attempted, that I know of, to guess at the reason. Whether it was intended as a punishment to me, or with a charitable design not to lead me into temptation; whether it was intended as a punishment to the English for their insolence and barbarity; whether it was intended to prevent or remove suspicions of allies, or the envy and green-eyed jealousy of co-patriots, I know not. Of one thing, however, I am fully satisfied, that Congress had reasons, and meant well; but whether those reasons were founded on true or mistaken information, I know not.

When I recollect the instructions, which were given and revoked with that commission, I can guess, and only guess, at some considerations which might, or might not, operate with Congress. In these instructions, Congress determined,

1st. That the common right of fishing should in no case be given up.

2dly. That it is essential to the welfare of all these United States, that the inhabitants thereof, at the expiration of the war, should continue to enjoy the free and undisturbed exercise of their common right to fish on the banks of Newfoundland, and the other fishing banks and seas of North America, preserving inviolate the treaties between France and the said States, &c.

3dly. "That our faith be pledged to the several States, that without their unanimous consent no treaty of commerce shall be entered into, nor any trade or commerce whatever carried on with Great Britain, without the explicit stipulation hereinafter mentioned. You are, therefore, not to consent to any treaty of commerce with Great Britain, without an explicit stipulation on her part not to molest or disturb the inhabitants of the United States of America, in taking fish on the banks of Newfoundland, and other fisheries in the American seas, anywhere, excepting within the distance of three leagues of the shores of the territories remaining to Great Britain at the close of the war, if a nearer distance can not be obtained by negotiation. And in the negotiation you are to exert your most strenuous endeavors to obtain a nearer distance in the Gulf of St. Lawrence, and particularly along the shores of

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\* MSS. Dep. of State; 4 Sparks' Dip. Rev. Corr., 11, with verbal changes; 8 J. Adams' Works, 33.

Nova Scotia; as to which latter we are desirous that even the shores may be occasionally used for the purpose of carrying on the fisheries by the inhabitants of these States."

These instructions are very decisive in favor of our indubitable right to the fisheries; and it is possible that Congress might be of opinion, that commerce would be the strongest inducement to the English to make peace, and at the same time that there was something so naval in the fisheries, that the dread of acknowledging our right to them would be the strongest obstacle in the way of peace. They might think, too, that peace was of more importance to the United States than a British acknowledgment of our right to the fisheries, which, to be sure, would have been enjoyed by our people in a good degree without it.

Reasonings like these might influence Congress to revoke the commission and instructions in question. But whatever probability there might appear in them at that time, experience has since shown that they were not well founded. On the contrary, arguments have been found to convince the British ministers themselves, that it was the interest of their King and country, not only to acknowledge the American right to the fisheries, but to encourage the unrestrained exercise of it. These considerations, therefore, can be no longer of any weight against a treaty of commerce with Great Britain, or against accrediting a minister to the court of St. James. Nor can I conceive of any motive now existing against this measure. On the contrary so many advantages present themselves to view, that I think it my duty to recommend them to Congress as proper to be adopted without loss of time. If there are in Congress any of those gentlemen with whom I had the honor to serve in the years 1775 and 1776, they may possibly remember, that in arguing in favor of sending ministers to Versailles, to propose a connexion with that court, I laid it down as a first principle, that we should calculate all our measures and foreign negotiations in such a manner as to avoid a too great dependence upon any one power of Europe; to avoid all obligations and temptations to take any part in future European wars. That the business of America with Europe was commerce, not politics or war; and above all, that it never could be our interest to ruin Great Britain, or injure or weaken her any further than should be necessary to support our independence and our alliances; and that as soon as Great Britain should be brought to a temper to acknowledge our sovereignty and our alliances, and consent that we should maintain the one, and fulfil the others, it would be our interest and duty to be her friends, as well as the friends of all the other powers of Europe, and enemies to none.

We are now happily arrived, through many tremendous tempests, at that period. Great Britain respects us as sovereign States, and respects all our political engagements with foreign nations, and as long as she continues in this temper of wisdom, it is our duty to respect her. We have accordingly made a treaty with her and mutually sworn to be

friends. Through the whole period of our warfare and negotiations, I confess I have never lost sight of the principles and the system, with which I set out, which appeared to me to be the sentiments of Congress with great unanimity, and I have no reason to suppose that any change of opinion has taken place; if there has not, every one will agree with me, that no measure we can pursue will have such a tendency to preserve the government and people of England in the right system for their own and our interest, and the interest of our allies too, well understood, as sending a minister to reside at the court of London.

In the next place the court of London is the best station to collect intelligence from every part, and by means of the freedom of the press to communicate information for the benefit of our country to every part of the world. In time of peace there is so frequent traveling between Paris, London, and the Hague, that the correspondence of our ministers at those courts may be carried on by private hands without hazarding anything from the infidelity of the posts, and Congress may reasonably expect advantages from this circumstance.

In the third place a treaty of commerce with Great Britain is an affair of great importance to both countries. Upon this occasion I hope I shall be excused if I venture to advise that Congress should instruct their minister not to conclude such a treaty without sending the project to them for their observations and fresh instructions, and I should think it would not be improper on this occasion to imitate the Dutch method, and take the project *ad referendum*, and transmit it to the legislatures of all the States for their remarks before Congress finally resolve. Their minister may be authorised and instructed in the mean time to enter into a temporary convention for regulating the present trade for a limited number of months or years, or until the treaty of commerce shall be completed.

In the fourth place it is our part to be the first to send a minister to Great Britain, which is the older, and as yet the superior State. It becomes us to send a minister first, and I doubt not the King of Great Britain will very soon return the compliment. Whereas if we do not begin I believe there will be many delicacies at St. James' about being the first to send. I confess I wish a British minister at Philadelphia, and think we should derive many benefits from his residence there. While we have any foreign ministers among us, I wish to have them from all the great powers with whom we are much connected. The *Corps Diplomatique* at every court is, or ought to be, a system representing at least that part of the system of Europe with which that court is most conversant.

In the same manner, or at least from similar reasons, as long as we have any one minister abroad at any European court, I think we ought to have one at every one to which we are most essentially related, whether in commerce or policy, and therefore while we have any minister at Versailles, the Hague, or London, I think it clear we ought to

have one at each, though I confess I have sometimes thought that after a very few years it will be the best thing we can do to recall every minister from Europe and send embassies only on special occasions.

If, however, any members of Congress should have any delicacies lest an American minister should not be received with a dignity becoming his rank and character at London, they may send a commission to make a treaty of commerce with Great Britain to their minister at Madrid, or Versailles, or the Hague, or St. Petersburg, and instruct him to carry on the negociation from the court where he may be, until he shall be invited to London, or a letter of credence may be sent to one of these with instructions to go to London as soon as the King shall appoint a minister to go to Philadelphia.

After all, however, my opinion is that none of these manœuvres are necessary, but that the best way will be to send a minister directly to St. James', with a letter of credence to the King, as a minister plenipotentiary, and a commission to treat of a treaty of commerce, but with instructions not to come to any irrevocable conclusion until Congress and all the States have an opportunity to consider of the project and suggest their amendments.

There is one more argument in favor of sending a minister forthwith. It is this: While this mission lies open it will be a source of jealousy among present ministers and such as are or may be candidates to be foreign ministers, a source of intrigue and faction among their partisans and adherents, and a source of animosity and division among the people of the States. For this reason it is a pity that the first choice had not been such as Congress could have continued to approve, and the first measure such as Congress could have constantly persevered in. If this had been the case, the door of faction would have been kept shut. As this, however, was once my department by the voice of eleven States, in twelve present, and as I will be answerable at any hazard it will never be the department of any one by a greater majority, there seems to be a propriety in my giving my advice concerning it on taking leave of it, if such is the will of Congress, as I have before done in this letter, according to the best of my judgment. And if it should not be thought too presumptuous I would beg leave to add what is my idea of the qualifications necessary for an American foreign minister in general, and particularly and above all to the court of St. James.

In the first place, he should have an education in classical learning and in the knowledge of general history, ancient and modern, and particularly the history of France, England, Holland, and America. He should be well versed in the principles of ethics, of the law of nature and nations, of legislation and government, of the civil Roman law, of the laws of England and the United States, of the public law of Europe, and in the letters, memoirs, and histories of those great men who have heretofore shone in the diplomatic order and conducted the affairs of

nations and the world. He should be of an age to possess a maturity of judgment, arising from experience in business. He should be active, attentive, and industrious, and, above all, he should possess an upright heart and an independent spirit, and should be one who decidedly makes the interest of his country, not the policy of any other nation nor his own private ambition or interest, or those of his family, friends, and connexions, the rule of his conduct.

We hear so much said about a genteel address and a facility in speaking the French language, that one would think a dancing master and a French master the only tutors necessary to educate a statesman. Be it remembered, the present revolution, neither in America nor Europe, has been accomplished by elegant bows, nor by fluency in French, nor will any great thing ever be effected by such accomplishments alone. A man must have something in his head to say before he can speak to effect, how ready soever he may be at utterance. And if the knowledge is in his head, and virtue in his heart, he will never fail to find a way of communicating his sentiments to good purpose. He will always have excellent translators ready, if he wants them, to turn his thoughts into any language he desires.

As to what is called a fine address, it is seldom attended to after a first or second conversation, and even in these it is regarded no more by men of sense of any country than another thing, which I heard disputed with great vivacity among the officers of the French frigate, the *Sensible*. The question was, what were the several departments of an ambassador and a secretary of legation? After a long and shrewd discussion, it was decided by a majority of votes, "that the secretary's part was to do the business, and that of an ambassador to keep a mistress." This decision produced a laugh among the company, and no ideas of the kind will ever produce anything else among men of understanding.

It is very true, that it is possible that a case may happen that a man may serve his country by a bribe well placed, or an intrigue of pleasure with a woman. But it is equally true, that a man's country will be sold and betrayed a thousand times by this infamous commerce where it will be once served. It is very certain that we shall never be a match for European statesmen in such accomplishments for negotiation, any more than, I must and will add, they will equal us in any solid abilities, virtues, and application to business, if we choose wisely among the excellent characters with which our country abounds.

Among the ministers who have already crossed the Atlantic to Europe there have been none exceeding Mr. Jay and Mr. Dana in all the qualifications I have presumed to enumerate, and I must say that if I had the honor to give my vote in Congress for a minister at the court of Great Britain, provided that injustice must be finally done to him who was the first object of his country's choice, such have been the activity, intelligence, address, and fortitude of Mr. Jay, as well as his sufferings in his voyage, journeys, and past services, that I should think

of no other object of my choice than that gentleman. If Congress should neglect all their old ministers, and send a fresh one from America, they can not be at a loss, for there are in that country great numbers of men well qualified for the service. These are most certainly better known by name to Congress than to me, and therefore I shall venture no further, but conclude by wishing this arduous business well settled, and by assurances to Congress and to you, sir, of my warmest attachment and respect.

I have the honor to be, &c.,

JOHN ADAMS.

Jefferson to Livingston.\*

BALTIMORE, February 7, 1783.

SIR: I arrived here on the 30th of last month, and had a short interview the same evening with the Chevalier de Ville Brune, commander of the *Romulus*. There appeared at that time little apprehension but that we might sail within a few days, but we were not very particular in our conference, as we expected so soon to see each other again; the severity of the cold, however, which commenced that night, obliged the Chevalier de Ville Brune to fall twelve miles below this place, and excluded all correspondence with him till yesterday, when I found means to get through the ice on board his ship. He then communicated to me, by direction of his excellency the minister of France, intelligence as to the number and force of the cruisers now actually watching the Capes of the Chesapeake.

I must acknowledge that these appear such as to render a capture certain were we to hazard it. The minister was pleased at the same time to submit the *Guadeloupe* to my wishes if I chose to adventure. I take the liberty of troubling you with a copy of my letter to him on that subject.

I should certainly be disposed to run very considerable risks myself to effect my passage, but I should think it an unfortunate introduction to an ally who has already done so much for us were I to add to his losses and disbursements that of a valuable ship and crew. I wish that the present delay offered some period less distant than the lassitude of an avaricious enemy to watch for prey. Perhaps you may be able to put me on some more expeditious mode of passage than the one under which I am acquiescing at present. I shall be much pleased to adopt any such which may come recommended from you, without regard to personal risk or trouble. In the meantime, any intelligence which you can be able to collect and will be pleased to give me as to the state of our coast will be of utility in determining whether and when we shall depart hence.

I have the honor to be, &c.,

THOMAS JEFFERSON.

\* MSS. Dep. of State; 6 Sparks' Dip. Rev. Corr., 213.

Jefferson to Luzerne.\*

BALTIMORE, *February 7, 1783.*

SIR : The Chevalier de Ville Brune was so kind as to communicate to me your excellency's letter to him of January, together with the intelligence therein referred to. I feel myself bound to return you my thanks for your orders to the *Guadeloupe* frigate to receive me. If I should think a passage should be hazarded under present circumstances, according to this information (which is the most worthy of credit of any we have received here), it would seem that our capture would be unavoidable were we to go out now. This, then, is a risk to which I cannot think of exposing his majesty's vessel and subjects, however I might be disposed to encounter personal hazards, from my anxiety to execute, with all the promptitude in my power, a service which has been assigned to me. I shall, therefore, wait with patience the arrival of the moment when the Chevalier de Ville Brune shall be of opinion that the one or the other of the vessels may venture out without any greater risk than he shall think proportionate to her proper object, independently of mine.

It has been suggested to me this evening that perhaps their safe departure might be greatly forwarded by their falling down to York or Hampton, there to be ready at a moment's warning to avail themselves of those favorable circumstances which the present season sometimes offers, but of this yourself will be the proper judge.

I cannot close my letter without expressing to you my obligations to the Chevalier de Ville Brune for the particular attention he has shown to my accommodation on board his ship. The apartments he has had constructed for me are ample and commodious, and his politeness and merit as an officer are an agreeable presage of everything which shall depend on him.

I have the honor to be, with the highest sentiments of esteem, &c.,

THOMAS JEFFERSON.

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Dana to Livingston.†

No. 18.

ST. PETERSBURGH, *February 10 (January 31, O. S.), 1783.*

SIR : In the afternoon of the 6th instant (17th) we received the most agreeable news that the preliminary treaty of peace was signed at Paris on the 20th ultimo, between France, Spain, and Great Britain. The articles are still unknown here, as the above fact simply was communicated by Count de Vergennes to the foreign ministers at Versailles, and the Russian minister immediately despatched an account of it to

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\*MSS. Dep. of State; 6 Sparks' Dip. Rev. Corr., 214.

† MSS. Dep. of State; 4 Sparks' Dip. Rev. Corr., 669.

the vice-chancellor, Count Ostermann. No courier has yet arrived for either of the foreign ministers here.

You will be pleased to accept my most hearty congratulations upon this great event, especially as the peace we have obtained is both honorable and glorious. America, I believe, stands high in the esteem of all the world; to which not only her successes in this great Revolution, but the proofs she has given in the course of it of her sacred regard to her plighted faith have contributed. Our Revolution is universally spoken of as the most important which the world has ever seen. Its influence penetrates the innermost recesses of every cabinet in Europe; they will and they must give way to it.

It is yet difficult to say what will be the effect of the present peace upon the approaching war with the Turks. Though it will not probably prevent it, yet it may moderate its views towards that quarter and thus save the continent of Europe from the mischief of a general conflagration. I shall communicate my mission to the vice-chancellor as soon as some necessary arrangements can be made, and shall endeavor to bring on the business of the commercial treaty without loss of time, as there is now little doubt but some of our vessels may arrive here early in the spring. I have it in view to procure some special favors for a direct commerce between the West Indies and this Empire, to be carried on by our vessels, which will turn to the advantage of both parties. But to render it more certain it may be necessary to procure a right of trading freely with the British West Indies, and also exporting from thence in our vessels to any part of the world the productions of their islands, paying the same duties as their native subjects pay upon the same articles when they export them for Great Britain or elsewhere. I think we may obtain this privilege in our commercial treaty with Great Britain, if we insist upon it. Our treaties with France and Holland appear to me to be exceedingly defective respecting a commerce with their American territories. If Great Britain should refuse us that privilege we might perhaps arrive at the same end by reserving to ourselves a right to impose what extra duties we judge proper, either upon our productions exported to any part of her dominions or upon her productions imported into America, if any higher duties should be imposed upon her West India productions when exported by us than when by her native subjects, notwithstanding any general clause giving her the advantages of the most favored nations. The object appears to me to be of importance to our interests, and that we can obtain it in the manner I first proposed (which would be the most beneficial and least liable to create mutual disgusts), if we should think proper to make it the *sine qua non* of a commercial treaty with Great Britain. We should reap advantages from it, not only in our commerce with this empire but with every other in Europe not having such establishments in America.

Now I am upon this subject of commerce I will take the liberty to



acquaint you that Portugal intends to procure the right of establishing factories in the United States, under the protection of the Oporto Company, in order to secure special advantages for the sale of her wines. This plan will not be particularly mentioned, but the end will be obtained under the general right of establishing factories in America without naming the Oporto Company. You may rely upon this information and will make your advantage of it. It will occur to you that we may demand as a compensation the right to export not only from Portugal, but from her wine islands, that article in our vessels, paying the same duties as the native subjects or the Oporto Company pay upon it. Without something of this sort the Portuguese factories might secure to themselves almost the exclusive supply of their wines to America. They have a factory here under the protection of the Oporto Company. You will not take it amiss that I suggest these subjects to your consideration. If any of them can be turned to the benefit of our country my end in troubling you with them will be answered.

I have the honor to be, &c.,

FRANCIS DANA.

Livingston to J. Adams.\*

PHILADELPHIA, *February* 13, 1783.

DEAR SIR: On my return the night before last from a journey to the State of New York, I found your favors of the 6th, the 7th, the 17th, the 19th, and the 23d of September. They contain important and useful information; and that particularly of the 6th is replete with matter which deserves an attention that I lament not having it in my power to give it at this moment, as the express by which this goes to Baltimore is on the wing.

I congratulate you most sincerely upon having surmounted all the obstacles that opposed themselves to the completion of our important connexion with the United States [of Holland.] It has, I think, given the last blow to the pride of Britain. Its power, so far as it could endanger us, was past recovery before, except as it derived force from its pride, which, like the last struggles of a dying man, gave an appearance of vigor to the body which it was about to destroy.

This covers a ratification of the treaty. The first copy sent by Mr. Jefferson has not been signed by me, owing to my absence. That gentleman has not yet sailed from Baltimore, having been delayed by a number of the enemy's cruisers which infest the bay.

We this day received the speech of his Britannic majesty. It breathes so much the language of peace that I begin to think it will be unnecessary to give Mr. Jefferson the trouble of going over at all. The delays he has met with leave you longer without intelligence from hence than

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\* MSS. Dep. of State; 4 Sparks' Dip. Rev. Corr., 18.

I would ever wish you to be, though no important event has taken place, except the evacuation of Charleston. Our distress for want of money has rather increased than diminished. This object will demand your attention full as much if the war should be terminated as if it should continue. The army and the other public creditors begin to grow very uneasy, and our present exhausted situation will not admit of internal loans or such taxes as will suffice to give them relief.

I have sent you three different sets of ciphers, not thinking it advisable to send duplicates. Be pleased to let me know whether any and which have arrived safe.

I am, sir, &c..

ROBERT R. LIVINGSTON.

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George III's Proclamation Declaring a Cessation of Arms.\*

FEBRUARY 14, 1783.

BY THE KING.

A proclamation declaring the cessation of arms, as well by sea as land, agreed upon between his majesty, the most Christian king, the King of Spain, the States-General of the United Provinces, and the United States of America, and enjoining the observance thereof.

George R. Whereas provisional articles were signed at Paris, on the thirtieth day of November last, between our commissioner for treating of peace with the commissioners of the United States of America and the commissioners of the said States, to be inserted in, and to constitute the treaty of peace proposed to be concluded between us and the said United States when terms of peace should be agreed upon between us and his most Christian majesty, and whereas preliminaries for restoring peace between us and his most Christian majesty were signed at Versailles, on the twentieth day of January last, by the ministers of us and the most Christian king; and whereas preliminaries for restoring peace between us and the King of Spain were also signed at Versailles on the twentieth day of January last, between the ministers of us and the King of Spain; and whereas for putting an end to the calamity of war, as soon and as far as it may be possible, it has been agreed between us, his most Christian majesty the King of Spain, the States-General of the United Provinces, and the United States of America, as follows, that is to say:

That such vessels and effects as should be taken in the Channel and in the North seas, after a space of twelve days, to be computed from the ratification of the said preliminary articles, should be restored on all sides; that the term should be one month from the Channel and the

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\* MSS. Dep. of State; 5 Sparks' Dip. Rev. Corr., 476.

North seas as far as the Canary Islands inclusively, whether in the ocean or in the Mediterranean; two months from the said Canary Islands as far as the equinoctial line or equator; and lastly, five months in all other parts of the world, without any exception or any other more particular description of time or place.

And whereas the ratifications of the said preliminary articles between us and the most Christian king, in due form, were exchanged by the ministers of us and of the most Christian king, on the third day of this instant February; and the ratifications of the said preliminary articles between us and the King of Spain were exchanged between the ministers of us and of the King of Spain, on the ninth day of this instant February, from which days, respectively, the several terms above mentioned, of twelve days, of two months, and five months, are to be computed; and whereas it is our royal will and pleasure that the cessation of hostilities between us and the States-General of the United Provinces and the United States of America should be agreeable to the epochs fixed between us and the most Christian king:

We have thought fit, by and with the advice of our privy council, to notify the same to all our loving subjects, and we do declare that our royal will and pleasure is, and we do hereby strictly charge and command all our officers, both at sea and land, and all our other subjects whatsoever, to forbear all acts of hostility, either by sea or land, against his most Christian majesty the King of Spain, the States-General of the United Provinces, and the United States of America, their vessels or subjects, from and after the respective times above mentioned, and under the penalty of incurring our highest displeasure.

Given at our Court at St. James, the fourteenth day of February, in the twenty-third year of our reign, and in the year of our Lord one thousand seven hundred and eighty-three.

God save the king.

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Livingston to Jefferson.\*

PHILADELPHIA, *February 14, 1783.*

SIR: I have delayed answering your favor of the 7th instant till I could obtain the sense of Congress on the matter it contains. I conceive it hardly possible, while the British cruisers retain their present station, for you to elude their vigilance in either of the ships offered to your choice. This concurring with the late advices from England, has induced Congress to pass the enclosed resolution.† We have reason to conjecture that peace is already concluded; whether it is or not, a few days must determine.

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\* MSS. Dep. of State; 6 Sparks' Dip. Rev. Corr., 216.

† Suspending commission.

I transmit you the speech of his Britannic majesty, which, with what you already know of the state of our negociations, will enable you to form your opinion on the same ground that we do.

I have the honor to be, &c.,

ROBERT R. LIVINGSTON.

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Livingston to General Greene.\*

PHILADELPHIA, *February 14, 1783.*

DEAR SIR: Receive my congratulations on the important event you have announced in your favor by Major Burnet. The influence that the evacuation of Charleston will have on our affairs if the war continues is obvious. The southern States, by this means relieved from their burdens, will be capable of contributing largely to the general cause, and I doubt not when they have breathed a little, that they will be as willing as they are able. I feel, sir, a personal interest in this great event from the distinguished honor it reflects upon you. In every other department our expectations have gone beyond our means of satisfying them. You have afforded the first instance of the contrary, and by creating the means have exceeded our most sanguine expectations.

We have the highest reason to conclude that the preliminaries of a peace are signed before this. [Major Edwards will show you the humble language in which the once haughty monarch of Britain addresses his Parliament. You will draw your conclusions from this.]† I have reason to hope that the terms of peace will comprise most of the great objects we have in view, and in some points almost exceed our expectations. The present policy of Britain is to make sacrifices to the Manes of the affection which once subsisted between her and us. [Many, very many, will be necessary before they can expiate the offences by which they wickedly and foolishly murdered it.]† I have just put the last hand to our treaty of amity and commerce with the United Provinces by signing the ratification which Congress have directed. I congratulate you upon this event, which adds not a little to our political importance.

I have the honor to be, &c.,

ROBERT R. LIVINGSTON.

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\* MSS. Dep. of State; 6 Sparks' Dip. Rev. Corr., 215, with changes and omissions.

† Passages in brackets omitted in Sparks' edition.

Livingston to the President of Congress.\*

OFFICE OF FOREIGN AFFAIRS, *February 18, 1783.*

SIR: I have the honor to lay before Congress the enclosed letter from Mr. Jefferson, upon which, I presume, they will not think it necessary at present to take any other resolution than that already transmitted to him. I also enclose an extract from a letter of Mr. William Lee to me, dated the 31st of March last, which merits attention, though in the present state of our affairs Congress may not think it advisable to pass any resolutions thereon, till they are more perfectly acquainted with the actual state of our affairs in Europe, and what alterations may be occasioned by a peace.

I have letters from Messrs De Neuville of the 27th of September and 24th of October: but as they contain little more than a pressing request to have their accounts settled, and the balance paid, I shall not trouble Congress with them, but deliver copies to the Superintendent of Finance.

I have the honor to be, sir, &c.,

ROBERT R. LIVINGSTON.

Livingston to Jefferson.†

PHILADELPHIA, *February 18, 1783.*

SIR: I was honored yesterday with your favor of the 14th, which I shall lay before Congress this morning. As you have by this time received their resolution, which I had the honor to send you by the last post, and again enclose, you will be relieved in some measure from your embarrassments, though not entirely from your suspense with respect to their final determination. But that can not be long doubtful, since negotiations have certainly arrived at such a crisis as either to terminate soon in a peace or a total rupture. In the latter case you will necessarily be obliged to proceed on your voyage, as Congress seem anxious to avail themselves of your abilities and information in the negotiations, unless they are fully assured that a speedy peace will preclude them from that advantage.

I enclose a paper which contains all that we have yet received on this interesting subject. It may, perhaps, be difficult to account for our ministers having signed before those of France. But if this letter is genuine, it serves, when compared with their instructions, to prove that the terms are acceptable to us and not disagreeable to France.

I have the honor to be, sir, &c.,

ROBERT R. LIVINGSTON.

\* MSS. Dep. of State; 6 Sparks' Dip. Rev. Corr., 217.

† MSS. Dep. of State; 6 Sparks' Dip. Rev. Corr., 216.

## Fitzherbert to the Commissioners.\*

PARIS, *February 18, 1783.*

GENTLEMEN: I have the honor to transmit to you herewith a packet containing one hundred passports for American vessels, which I have this moment received by a courier from England.

I take this opportunity of acquainting you that a proclamation was issued out in the King's name, on the 14th instant, making known the cessation of hostilities which has been agreed upon between the several belligerent powers; and declaring further, that the several epochs at which the said armistice is to commence between his majesty and the United States of North America are to be computed from the third day of this instant February, being the day on which the ratifications of the preliminaries were exchanged between his majesty and the most Christian king. I must add that his majesty was induced to take this step under the firm expectation that you, gentlemen, would correspond to it on your parts by adopting the same measure reciprocally, in the name of the States, your masters.

I have the honor to be, &c.,

ALLEYNE FITZHERBERT.

## Dumas to J. Adams.†

THE HAGUE, *February 18, 1783.*

SIR: Our friends are well satisfied with the repeated declarations I have made them from you and your colleagues. They will act in consequence, in regard to the court of France, including that of Spain, and above all to your excellencies. They appear convinced that the measure can and ought to succeed. At all events they direct me to propose the following question, to obtain an answer thereto, favorable if possible, which will assure and tranquillize them:

If their high mightinesses should propose to France to sign a convention founded on the principles of the armed neutrality, for the preservation of the freedom of navigation, conjointly with Spain, the United States, and the United Provinces of the Low Countries, in case France and Spain should appear disposed to postpone such a convention, or should decline entering into it before the signing or concluding of the definitive treaty, would Mr. Dana, and, during his absence, Mr. Adams, either alone, and as minister of the United States near this Republic, or with his colleagues, be ready to sign such a provisional convention when proposed to them in the name of their high mightinesses, between the United States and the United Provinces?

It is believed here that, without such a treaty, either between France, Spain, the United States, and the United Provinces, or, in defect of the two first, at least between the two last powers, nothing can save from the shame of the definitive treaty this Republic, which joined in

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\* 5 Sparks' Dip. Rev. Corr., 478.

† MSS. Dep. of State; 5 Sparks' Dip. Rev. Corr., 373.

the war only for the liberty of the seas, and which has made it a condition *sine qua non* in its preliminaries.

It is much to be wished that one of these arrangements were practicable, as this would at once pave the way for the definitive treaty. At least there would be no other difficulty than that relating to Negapatnam, and to the commerce to the Moluccas, on which I have just read the report of the seventeen directors of the company, which opposes the strongest objections to the yielding of either.

My opinion is, always with submission to your better judgment, that your acquiescence in the demand of these gentlemen may be founded on three considerations. 1st. On the resolution of the United States of October 5th, 1780, communicated by you to their high mightinesses by a letter of March 8th, 1781, and on which you have observed to me that your powers for that purpose were not recalled. 2dly. On the circumstance that their high mightinesses are a party to the armed neutrality, to which Mr. Dana is waiting the pleasure of another party to admit the United States. 3dly. On the fact that the only point in question is in regard to the mutual guarantee which you have already acceded to in the treaty of amity and commerce concluded with their high mightinesses.

Praying you to pay my respects to Messrs. Franklin, Jay, Laurens and Brantzen, I am, etc.,

DUMAS.

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La Fayette to Florida Blanca.\*

[Translation.]

MADRID, February 19, 1783.

SIR: Having had the honor to confer with your excellency on the objects relative to the United States, and being soon to repair to the American Congress, I wish to be fully impressed with the result of our conversations. Instead of the indifference, and even of the divisions which another nation would be glad to foresee, I am happy to have it in my power to inform the United States of your good dispositions. It is to you, sir, I am indebted for this advantage, and in order to make it complete and to make myself certain that I forget nothing, give me leave to submit to your excellency the account which I intend to lay before Congress.

His Catholic majesty desires that a lasting confidence and harmony may subsist between him and the United States, and he is determined on his part to do everything that will be necessary to keep it up. The American *chargé d'affaires* is at this moment received as such, and your excellency is going to treat of the interests of the two nations. As you wish to show Mr. Jay every kind of regard, you wait only till the

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\* 5 Sparks' Dip. Rev. Corr. 409; 2 La Fayette Memoirs, 58.

Count d'Aranda shall have notified your dispositions to him before you present Mr. Carmichael to his majesty.

With respect to the limits, his Catholic majesty has adopted those that are determined by the preliminaries of the 30th of November, between the United States and the court of London. The fear of raising an object of dissensions is the only objection the king has to the free navigation of the river Mississippi. The Virginia tobacco and naval stores may furnish matter for reciprocal conventions in the treaty, and by means of the productions of America, arrangements might be made which would be useful to her finances. When I had the honor to speak to you in favor of a diminution of the duties on codfish, you answered that it would be necessary to give to France a similar advantage, and that, by virtue of former treaties, the English might set up pretensions to the same; but that you will do in every respect all that will be in your power to satisfy America.

I would with very great pleasure touch upon every detail which may enter into a connexion between Spain and the United States, but I am not to be concerned in this happy work. The ministers of the United States and the one whom you may send thither are to make it their business, and I content myself with reminding you of the general ideas you have given me. A word from you will satisfy me that I have not omitted anything. The dispositions of his Catholic majesty and the candor of your excellency will leave no pretexts for misrepresentations. The alliance of the House of Bourbon with the United States is founded on reciprocal interest; it will still acquire greater strength from the confidence which your excellency wishes to establish.

Such, sir, are the conclusions which I have drawn from our conferences, and the account which I intend to give to Congress, without having any mission for that purpose. I am acquainted with the sentiments of Congress, and I am convinced they will set a just value upon your dispositions. In permitting me to acquaint them with these particulars you will have a claim to my personal gratitude. To the assurance of this I join that of the respect with which I have the honor, &c.,

LA FAYETTE.

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**American Commissioners' declaration of the cessation of hostilities.\***

FEBRUARY 20, 1783.

By the ministers plenipotentiary of the United States of America for making peace with Great Britain, a declaration of the cessation of arms, as well by sea as land, agreed upon between his majesty the King of Great Britain and the United States of America.

Whereas preliminary articles were signed at Paris, on the thirtieth day of November last, between the plenipotentiaries of his said majesty the King of Great Britain and of the said States, to be inserted in, and

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\* 5 Sparks' Dip. Rev. Corr., 479.



to constitute the treaty of peace, to be concluded between his said majesty and the said United States, when terms of peace should be agreed upon between his said majesty and his most Christian majesty. And whereas preliminaries for restoring peace between his said majesty the King of Great Britain and his most Christian majesty were signed at Versailles, on the twentieth day of January last, by the respective ministers of their said majesties; and whereas preliminaries for restoring peace between his said majesty the King of Great Britain and his majesty the King of Spain were also signed at Versailles, on the twentieth day of January last, by their respective ministers; and whereas, for putting an end to the calamity of war as soon and as far as possible, it has been agreed between the King of Great Britain, his most Christian majesty the King of Spain, the States-General of the United Provinces, and the United States of America, as follows, that is to say:

That such vessels and effects as should be taken in the Channel and in the North seas after the space of twelve days, to be computed from the ratification of the said preliminary articles, should be restored on all sides; that the term should be one month from the Channel and North seas as far as the Canary Islands, inclusively, whether the ocean or the Mediterranean; two months from the said Canary Islands as far as the equinoctial line, or equator; and lastly, five months in all other parts of the world, without any exception, or any other more particular description of time or place;

And whereas the ratifications of the said preliminary articles between his said majesty the King of Great Britain and his most Christian majesty, in due form, were exchanged by their ministers on the third day of this instant February, from which day the several terms above mentioned, of twelve days, of one month, of two months, and of five months, are to be computed relative to all British and American vessels and effects:

Now, therefore, we, the ministers plenipotentiary from the United States of America for making peace with Great Britain, do notify to the people and citizens of the said United States of America that hostilities on their part against his Britannic majesty, both by sea and land, are to cease at the expiration of the terms hereinbefore specified therefor, and which terms are to be computed from the third day of February instant. And we do, in the name and by the authority of the said United States, accordingly warn and enjoin all their officers and citizens to forbear all acts of hostility whatever, either by land or by sea, against his said majesty the King of Great Britain or his subjects, under the penalty of incurring the highest displeasure of the said United States.

Given at Paris the twentieth day of February, in the year of our Lord one thousand seven hundred and eighty-three, under our hands and seals.

JOHN ADAMS.  
B. FRANKLIN.  
JOHN JAY.

## Carmichael to Livingston.\*

No. 21.

MADRID, *February 21, 1783.*

SIR: I had the honor to address you the 31st of December and the 18th and 30th of January, to which letters I beg leave to refer you for the particular occurrences during that period.

I have now the pleasure to inform you that the court of Spain has at length thought proper to receive me formally as the *chargé des affaires* of the United States. The letters above mentioned will have advised you of the political motives which induced me to wish the presence of Marquis de la Fayette. They will also have informed you of the means I employed, and which his correspondence enabled me to employ more efficaciously to impress this court with an idea of the necessity of immediately acknowledging the independence of the United States. Since they were written the Count de Montmorin had a long conversation on the subject of our affairs with the King, and afterwards with the Count de Florida Blanca. The King's answer to the ambassador's representations was, *Veremos*. The minister appeared still desirous of procrastinating.

On the — instant the Marquis de la Fayette arrived, and with that zeal and ardor which ever influenced him when the interests of the United States were in question, immediately consulted with me on the steps to be taken with the minister. I informed him of what I had done.

We were of the same opinion, viz., that he should seize the first opportunity of speaking to the Count de Florida Blanca on the subject of our affairs. He did so, communicating to me the particulars of their conversations. As the Marquis proposes to address you by the same vessel by which you will receive this letter, I refer you to his letter for a circumstantial relation of his conferences. My reception in a public character has been the result; and last night the Marquis accompanied me to an audience of the minister. He was content with my reception, and personally I had no reason to be dissatisfied. The Count de Florida Blanca remarked to me, smiling, that he thought that I had left Madrid. I did not choose, as things were in so good a train, to enter into a discussion of the reasons which induced me to forbear my visits to him, and therefore only replied, that I never found myself so well at Madrid as at present. It is unnecessary to repeat such parts of the conversation as were merely personal. His expressions of friendship for the Marquis were unbounded, and the latter omitted no opportunity of pressing in the strongest manner the minister to take speedy and effectual measures to convince the States of the desire of his Catholic majesty to cultivate their amity.

The Marquis informs me that he sent you a copy of the letter he wrote to the minister, in order to obtain a written answer, conceding

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\* MSS, Dep. of State; 5 Sparks' Dip. Rev. Corr., 114, with verbal changes.

points to which he had agreed in conversation. He pressed an answer to this letter, and was assured by the Count de Florida Blanca that he should have it on the Saturday morning following, and that it would be satisfactory. The Count invited me to dine with him on that day as *Chargé des affaires* of America, and as I had suggested to the Marquis that I would choose a written invitation in the customary form, the Marquis took the Count aside and spoke to him of it in the ambassador's name. The latter admitted the propriety of the proposal, and promised to send it. There is but one circumstance which occasions a difficulty with respect to my presentation, it has been the etiquette hitherto to present no *chargé des affaires* to the King and royal family, except those from France and Vienna. The Count mentioned this to us, but at the same time said that I should be received in the most honorable manner. Personally these distinctions will never influence my conduct, but nationally I should wish to obtain every mark of honor possible for the representative of the United States. For this reason I gave it as my opinion to the Marquis, that I ought not go to court until this point was settled. His sentiments are the same.

There are, however, difficulties to be apprehended in the attainment of this object. The short stay of the Marquis here, the necessity of my being constantly with him, the desire he has shown to treat me on all occasions and in the most public manner as the representative of the country which he serves, and to be introduced by me everywhere; all these circumstances have engaged so much of my attention and time as to preclude me from entering into further details; details which will be unnecessary after those you will assuredly receive from himself. It is the happiest circumstance of my life, that the man whose services I was instrumental in procuring to my country should be the one to whom in a great measure I owe my first public appearance at the court of Spain.

The precipitate departure of the Marquis prevents me from copying, in time for this conveyance, the public accounts. In ten days they will all be complete, and I hope I shall be enabled, by our minister in France, to pay the balances, which are not considerable, and by that means commence our political career here with the credit and reputation which we have hitherto preserved.

I have the honor to be, sir, &c.,

WILLIAM CARMICHAEL.

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De Florida Blanca to La Fayette.\*

[Translation.]

PARDO, February 22, 1783.

SIR: I can not comply better with your desire than by asking your leave to give you here my answer. You have perfectly well understood whatever I have had the honor to communicate to you with re-

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\* MSS. Dep. of State; 5 Sparks' Dip. Rev. Corr., 410; 2 La Fayette Memoirs, 60.

spect to our dispositions towards the United States. I shall only add, that although it is his majesty's intentions to abide for the present by the limits established by the treaty of the 30th of November, 1782, between the English and the Americans, yet the King intends to inform himself particularly whether it can be in any ways inconvenient or prejudicial to settle that affair amicably with the United States.

I have the honor to be, &c.,

COUNT DE FLORIDA BLANCA.

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**La Fayette to Florida Blanca.\***

[Translation.]

MADRID, *February 22, 1783.*

On receiving the answer of the Count de Florida Blanca, I desired an explanation respecting the addition that relates to the limits. I was answered that it was a fixed principle to abide by the limits established by the treaty between the English and Americans; that his remarks related only to mere unimportant details which he wished to receive from Spanish commandants, which would be amicably regulated, and would by no means oppose the general principle. I asked him, before the ambassador of France, whether he could give me his word of honor for it. He answered me he would, and that I might engage it to the United States.

LA FAYETTE.

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**Rosencrone, Minister of Foreign Affairs in Denmark, to Walterstorff.†**

[Translation.]

COPENHAGEN, *February 22, 1783.*

SIR: As I know you are on the point of making a tour to France, I can not omit warmly recommending to you to endeavor, during your stay at Paris, to gain as much as possible the confidence and esteem of Mr. Franklin.

You will recollect, sir, what I said to you in our conversations, of the high respect which all the King's ministry have for that minister. You have witnessed the satisfaction with which we have learned the glorious issue of this war for the United States of America, and how fully we are persuaded that it will be for the general interest of the two States to form, as soon as possible, reciprocal connexions of friendship and commerce. Nothing, certainly, would be more agreeable to us than to learn by your letters that you find the same dispositions in Mr. Frank-

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\*5 Sparks' Dip. Rev. Corr., 411; 2 La Fayette Memoirs, 61.

†2 Sparks' Dip. Rev. Corr., 417.

lin; and in that case it seems to me the shortest way of accelerating these new connexions would be to take the treaty between the Congress and the States-General for the basis, and that Mr. Franklin should communicate to us his ideas on the changes or additions which he might think reciprocally useful in the treaty of commerce which Congress might conclude with us.

We should eagerly and frankly reply to such overtures; and as soon as the changes thus agreed on shall have met the approbation of Congress, one of the persons commissioned by that body, then in Europe, might, in order to gain time, come here with full powers to conclude, leaving on both sides the most particular stipulations for the negotiations of the ministers which those States shall, in the sequel, send to reside with each other.

I shall finish, sir, with hoping that you may happily terminate the visits you have proposed to make to the different parts of France; and it is with sentiments of the most distinguished respect that

I have the honor to be, &c.,

ROSENCRONE.

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Jay to Deane.\*

PARIS, *February 22, 1783.*

SIR: Your letter of the 10th instant was delivered to me a few days ago.

The reason to which you ascribe my not having answered the other you wrote me was the true one, viz., that it was unnecessary.

The time has been when my writing to you would not have depended on such a circumstance, for you are not mistaken in supposing that I was once your friend. I really was, and should still have been so had you not advised Americans to desert that independence which they had pledged to each other their lives, their fortunes, and their *sacred honor* to support.

The charges against you of peculation undoubtedly called for strict and speedy inquiry; but I expected that you would make a satisfactory defense against them. I hope so still.

I will write to Congress about your accounts, as you desire. Justice certainly demands that they should be liquidated and settled.

Dr. Bancroft, some time ago, asked my opinion as to your going to England. I told him it would be imprudent, but not that "it would be taken ill." To my knowledge, you was and are suspected of being in the British interest. Such a step would have strengthened that suspicion, and at that interesting period would have countenanced harsh conjectures as to the motives and objects of your journey, which for my

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\* 2 Jay's Life, 112.

part I could not divine. Perhaps the suspicion I mention is new to you; if so, the information is important.

Before this will come to your hands, and you could afterward get to London, the above-mentioned objections will be weakened; and as circumstances press your going, it is probable you will venture. Let me advise you to be prudent, and to be cautious what company you keep and what conversation you hold in that country.

I write thus plainly and fully because I still indulge an idea that your head may have been more to blame than your heart; and that in some melancholy desponding hour the disorder of your nerves infected your opinions and your pen. God grant that this may prove to have been the case, and that I may yet have reason to resume my former opinion, that you was a valuable, a virtuous, and a patriotic man. Whenever this may happen, I will, with great and sincere satisfaction, again become

Your friend,

JOHN JAY.

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Dana to Livingston.\*

No. 19.

ST. PETERSBURGH,

*February 25 (February 14, O. S.), 1783.*

SIR: In the last letter I did myself the honor to write you I acquainted you I should communicate my mission to the vice chancellor as soon as some necessary arrangements could be made. Being entirely prepared to do so, I thought it but decent to communicate my intention to the French minister rather in the form of consulting him upon the expediency of the measure. He at first thought it would be advisable to wait till the signing of the definitive treaty of peace, adding that, though he could not take upon himself to say that I should not be received in the present moment, yet that it would not surprise him if my admission should be postponed to that time, intimating that the present unsettled state of affairs (of which I have spoken in my late letters) might have some influence upon the determination of this court in a matter of that sort. He concluded with saying that it would not be amiss to wait till the British minister here should have communicated in form the signature of the preliminaries of peace to this court. I shall conform entirely to his advice; for the time is now most certainly indifferent as to our interests, which are most solidly established by the peace.

I cannot add anything to what I have before said respecting the Turkish war, which, since the conclusion of the late one, is the grand object which engages the general attention. According to the course

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\* MSS. Dep. of State; 4 Sparks' Dip. Rev. Corr., 671.

of business here I expect to be detained two or three months in negotiating our commercial treaty. I hope, however, the resolution of Congress of the 14th of September last, respecting their moneys in Europe (a copy of which Mr. Adams sent me by the last post), will not be any impediment to the conclusion of it. The money Dr. Franklin and Mr. Adams have engaged upon my application to them to advance for that purpose being indispensably necessary, I presume they will not withdraw the credit they have given me, and that Congress will approve of their conduct, as well as of mine, in this business. The resolution is doubtless a wise one, but there are circumstances for which Congress cannot provide in season, and this seems to be of that nature. If those gentlemen should not, therefore, withdraw their credit, I shall venture to apply the money, when it shall become necessary, to the use for which they have granted it. It would be a great satisfaction to me if I could receive in season an answer to my letter of the 25th of last August, in which I acquainted you I should stand in need of the money. I have no letter from you since No. 6, the duplicate of which has since come to hand.

I shall not fail to give you the earliest intelligence of my reception in this court, which I hope will not be long delayed, as it is my earnest wish to complete our treaty of commerce and to return to America in the course of the next summer.

I have the honor to be, &c.,

FRANCIS DANA.

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Livingston to the President of Congress.\*

PHILADELPHIA, *February 26, 1783.*

SIR: I have the honor to lay before Congress a letter received yesterday from Mr. Dana. I must confess I am at a loss to discover any reason for detaining that gentleman longer at a court where it is, as he justly observes, improbable that he can be publicly acknowledged till Britain has no longer any objections to such acknowledgment. After which a treaty can be concluded, if necessary, here or at The Hague, a commission for that purpose being sent to Mr. Adams with as much ease as at Petersburg. Congress will then judge whether it will be proper to have a minister at the court of St. Petersburg, or whether a resident, with consular powers, will not answer all their purposes and save expense.

The desire which Mr. Dana expresses to return takes from me the delicacy I before felt in stating this matter so fully to Congress. I also enclose, in obedience to the commands of Congress, a list of the names, titles, salaries, and places of residence of the officers of the United States employed in the Department of Foreign Affairs.

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\* State MSS. Dep. of; 6 Sparks' Dip. Rev. Corr., 218, with verbal changes.

I take the liberty to remind Congress that a variety of matters which have been submitted by me remain yet undecided, and that the business of the office is very much obstructed, as well by this delay as by the detention of the letters and papers which refer to them. As this has probably been occasioned by a change in the committees, I humbly submit to Congress the propriety of directing them to be filled up.

I have the honor to be, sir, &c.,

ROBERT R. LIVINGSTON.

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Livingston to Washington.\*

PHILADELPHIA, *February 26, 1783.*

DEAR SIR : In compliance with the directions of Congress contained in the enclosed resolution, I have the honor to inform your excellency that our last despatches, dated in October, announce a disposition in the belligerent powers to terminate the war by a general peace. The court of London, whose sincerity was most suspected because it was to make the greatest sacrifices, appears to have smoothed the way by the commission to Mr. Oswald (which your excellency has seen) empowering him to treat with the thirteen United States of America. M. de Rayneval (brother to M. Gerard) having been sent from France to sound the intentions of the British ministry, returned perfectly satisfied of their sincerity.

A little before our despatches were closed our ministers had delivered their propositions to the court of London. They consisted of three general heads, which comprised our right to the fisheries, the extent of our territories, and commercial objects. Though these propositions contained all we could ask under each of these heads, yet Mr. Oswald gave our ministers reason to conclude that they would be granted, which I am inclined to believe they have been in their fullest extent from the lead which our ministers have taken in signing provisional articles. France, Spain, and Holland had made their proposals, so that the King of Great Britain was perfectly apprized of their demands before he met his Parliament; there is little room, therefore, to doubt, when these facts are compared with the speech of his Britannic majesty that unless some unforeseen event should arise, a general peace will be concluded before the opening of the next campaign.

I was honored with your letter of the 18th, and have delivered the one enclosed to Mr. Jefferson, who is detained by order of Congress till they receive more certain advices as to the issue of the negotiation. I should also acknowledge the receipt of your favor of the 8th of January, which I found here on my return from the country. I think, with you, that the British administration will choose to take the

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\* MSS. Dep. of State; 6 Sparks' Dip. Rev. Corr., 218.



advice of Parliament on the terms of peace before they agree to them. Yet they have gone every length with respect to us. In this, however, they are perfectly safe, as the opposition have all along dictated that measure, so that on this quarter they are secured from their attack. More circumspection will be necessary in adjusting the articles with the other belligerent powers. To this cause we may probably attribute the delays that this business still seems to struggle with.

Be pleased to accept my compliments and those of my family, who join me in returning our best respects to Mrs. Washington.

I have the honor to be, dear sir, &c.,

ROBERT R. LIVINGSTON,

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Morris to the President of Congress.\*

OFFICE OF FINANCE, *February 26, 1783.*

SIR: A number of those who have contracted engagements with me will, I know, place a personal reliance on me for the fulfilment of them. As the time approaches very fast when I am to quit this office, it is proper for me to make the necessary preparations. Among these I must place the due and seasonable information which, as an honest man, I must convey to those who have confided in me. I am, therefore, to pray that the injunction of secrecy, contained in the order of the 24th of January last, may be taken off. At the same time, I take the liberty to suggest to Congress that the early appointment of my successor will give him opportunity to take such measures as may prevent many inconveniences that might otherwise happen.

I have the honor to be, &c.,

ROBERT MORRIS.

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Morris to Washington.\*

OFFICE OF FINANCE, *February 27, 1783.*

SIR: I do myself the honor to enclose to you the copy of a letter to the President of Congress, which was written on the 24th of last month. I should have transmitted it to you on the next day but, contrary to my expectations, Congress enjoined secrecy. I yesterday wrote a letter, of which I also enclose a copy, and in consequence of it I am at this instant informed that the injunction of secrecy is taken off. I seize, therefore, the earliest moment to give you the information.

I do assure you, sir, that nothing would have induced me to take this step but a painful conviction that the situation of those to whom the public are indebted is desperate. I believe sincerely that a great majority of the members of Congress wish to do justice, but I as sincerely believe that they will not adopt the necessary measures because they

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\* 6 Sparks' Dip. Rev. Corr., 586.

are afraid of offending their States. From my soul I pity the Army, and you, my dear sir, in particular, who must see and feel for their distresses without the power of relieving them.

I did flatter myself that I should have been able to procure for them that justice to which they are entitled, and in the mean time I labored to make the situation as tolerable as circumstances would permit. For the assistance which you have kindly afforded me, I pray you to accept my thanks, and to be assured that I shall ever retain on that account the most grateful emotions. My thanks are due also to all our officers, for I know that unwearied pains have been taken to give them disagreeable impressions, and I am therefore doubly indebted for the just sentiments which, amid so many misrepresentations, they have constantly entertained. I hope my successor will be more fortunate than I have been, and that our glorious Revolution may be crowned with those acts of justice without which the greatest human glory is but the shadow of a shade.

I am, sir, &c.,

ROBERT MORRIS.\*

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J. Adams to Livingston.†

PARIS, *March 2, 1783.*

SIR: I am very much of your opinion that all places in general in foreign countries under the United States should be filled with Americans, but am sometimes requested to transmit to Congress applications and recommendations in so pressing a manner, and by persons of distinction, that it would be scarcely civil to refuse.

Such an instance is the following, and if Congress should depart from the general rule, I suppose that no person at Leghorn has so good pretensions.

The application to me is this:

"Messrs. Touissaint, Doutremont & Co., merchants of great credit at Leghorn, who obtained forty-five years ago letters of nobility from

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\*As to Morris' resignation, Hamilton, in a letter of April 11, 1783, to Washington (4 Sparks' Letters to Washington, 20), says:

"He was, however, ill advised in the publication of his letter of resignation. This was an imprudent step, and has given a handle to his personal enemies, who, by playing upon the passions of others, have drawn some well meaning men into the cry against him. But Mr. Morris certainly deserves a great deal from his country. I believe no man in this country but himself could have kept the money machine a-going during the period he had been in office. From everything that appears, his administration has been upright as well as able. The truth is, the old leaven of Deane and Lee is at this day working against Mr. Morris. He happened in that dispute to have been on the side of Deane, and certain men can never forgive him. A man whom I once esteemed, and whom I will rather suppose duped than wicked, is the second actor in this business."

† MSS. Dep. of State; 4 Sparks' Dip. Rev. Corr., 19.

the court of France, pray the gentlemen the deputies of the United States of America, to grant them the place of consul or of agent of their commerce at Leghorn."

At least, if Congress or their ministers have occasion for a correspondent in that city, they will not be at a loss.

I have the honor to be, &c.,

JOHN ADAMS.

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La Fayette to Livingston.\*

BORDEAUX, March 2, 1783.

DEAR SIR: Upon the news of a general peace, I had the honor to write to you, and took the liberty to address Congress in a letter of which the enclosed is a duplicate. Those despatches have been sent by the *Triomphe*, a French vessel, and by her you will also have received a note of the general preliminaries.

The reasons of my going from Cadiz to Madrid being known to you, I shall only inform you that, upon my arrival there, I waited upon the King, and paid a visit to the Count de Florida Blanca. Independent of my letter to Mr. Carmichael, of which you have a copy, I had very openly said that I expected to return with him to Paris. So that, after the first compliments, it was easy for me to turn the conversation upon American affairs. I did it with the more advantage, as I had beforehand fully conversed with Mr. Carmichael, who gave me his opinion upon every point, and I was happy to find that it coincided with mine.

In the course of our conversation, I could see that American independence gives some umbrage to the Spanish ministry. They fear the loss of their colonies, and the success of our Revolution appears to be an encouragement to this fear. Upon this subject their King has odd notions, as he has indeed upon everything. The reception of Mr. Carmichael they wanted to procrastinate, and yet they knew it must be done. In offering my opinion to Count de Florida Blanca, I did it in a very free manner. I rejected every idea of delay. I gave a description of America, and of each of the States, of which Count de Florida Blanca appeared to know very little. While I abated their fears from our quarter, I endeavored to awaken them upon other accounts. It is useless to mention the particulars of this conversation, which lasted very long, and which he promised to lay before the King. In two days he said he should pay me a visit at Madrid.\*

Agreeably to the appointment, I waited for Count de Florida Blanca, and there, in presence of the French ambassador, he told me that the King had determined immediately to receive the envoy from the United States. Our conversation was also very long, and I owe Count de Mont-

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\* MSS. Dep. of State; 5 Sparks' Dip. Rev. Corr., 411, with verbal changes; 2 La Fayette Memoirs, 61.

† The court was then at Pardo.

morin the credit to say that, not only at that time, but in every instance where he could operate on the Count de Florida Blanca in our favor, he threw in all the weight of the influence of France.

It was on Wednesday that I received Count de Florida Blanca's visit. In conformity with Spanish etiquette he endeavored to delay our affairs. I took the liberty to say that on Saturday I must set out, and it was at last fixed that on Friday Mr. Carmichael should deliver his credentials, and on Saturday would be invited to the dinner of the foreign ministers.

As to more important matters, I conversed upon the affair of limits, and upon the navigation of the Mississippi, to the last of which points I found him very repugnant. I spoke upon the codfish duties. I wanted to have a preference engaged for, in writing, upon all bargains respecting tobacco and naval stores; in a word, I did my best, and would have been more particular in point of money, had not the minister's answer put it out of my power to do it in any other way than such as was inconsistent with the dignity of the United States.

As Count de Florida Blanca was taking leave, I told him that my memory must be somewhat aided. I proposed writing to him, and getting from him an answer. To this he first objected, but afterwards consented, saying, however, that his word was as good as his writing. And as I had been sometimes a little high-toned with him in behalf of America, he added that Spain was sincere in her desire to form an everlasting friendship, but did not act out of fear. I had before observed that it was on Spain's account that I wished for a good understanding between her and America.

The reading of my letter, a copy of which I enclose, will better inform you of the points that have been either wholly or partially granted. I endeavored to make the best of our conversations, and to engage him as far as I could. On the other hand, I kept our side clear of any engagement, which it was easy for me to do in my private capacity. I did not even go so far as general professions. But since I had been called there, I desired only to induce him into concessions that might serve the purposes of Mr. Jay. My letter was delivered on Thursday. The next day I accompanied Mr. Carmichael, who is much and universally beloved and respected in that country. On Saturday, before dinner, I received the answer, which, for fear of ambiguities, I had requested to be given at the end of the letter. A sentence of the answer I made him explain before the French ambassador. Herein are joined those copies, and I keep the original for Mr. Jay, whose political aid-de-camp I have thus been. I have of course referred to him everything, and this negotiation, wherein he has exercised the virtue of patience, will now require his care and abilities. The ministers of some powers, Prussia among them, having asked me if Congress would be willing to make an advance towards them, I have answered that the United States ought, in my opinion, not to make, but to receive advances.

At the same time I was employed in conversation with Count de Florida Blanca, I did not neglect speaking upon the same subject with the other ministers. M. de Galvez, in whose department the Indies are, appears much averse to the English limit. He has, for the present, sent orders to the Spanish governors to abide by those limits, and an official copy of those orders has been promised to me. But M. de Galvez was of opinion that those limits would not do. I have therefore thought it proper, officially by writing and before witnesses, so effectually to bind them that the affair of limits cannot now but be settled on their side. Independent of their handwriting, France, through her ambassador, is a witness to the engagement, and yet, being in a private capacity, I took care not to engage America to anything.

Never was a man further from a partiality for Spain than I am. But I think I now have left them in a sincere and steady intention to cultivate the friendship of America. The French party at that court will be for it. They labor under fits of occasional madness. They have an ill-conducted pride. It is disagreeable to treat with them, and their own interest does not persuade them out of their prejudices. But though they had rather there were not such a place as North America, they are truly and earnestly desirous to maintain a good harmony and live in friendship and neighborly union with the United States. The Mississippi is the great affair. I think it is the interest of America to be well with Spain, at least for many years, and particularly on account of the French alliance; so that I very much wish success to Mr. Jay's negotiations. I have advised Mr. Carmichael to continue his conferences, and I think they will be of service.

On my arrival at this city I hear that Lord Shelburne is out of place, and has been succeeded by Lord North. But I can not give it as certain. The American flag has already made its appearance before the city of London.

Upon the principles of an unbounded zeal for America, can I be permitted to repeat that every American patriot must wish that the Federal union between the States may continue to receive additional strength? Upon that intimate national union their happiness and their consequence depend.

Hoping that my voluntary excursion to Madrid may have somewhat prepared the way to fulfill the intentions of Congress, I hasten to join Mr. Jay, whose abilities will improve the account I shall lay before him.

I have the honor to be, with the most affectionate regard, &c.,  
LA FAYETTE.

Morris to Carmichael.\*

OFFICE OF FINANCE, *March 4, 1783.*

SIR: You will probably recollect that Mr. Jay protested ten bills of exchange, each for two hundred and twenty-five Mexican dollars, of which the list is enclosed. These bills, with the addition of twenty per cent. damages, amount to two thousand seven hundred dollars, for which I have this day signed a set of bills on you, which, to avoid the dangers to which communication is liable, are extended to the eighth bill. This draft is at six months' sight, and I am to desire that you will honor it and take your reimbursement on Mr. Grand. The length of sight may probably place it at a considerable discount on the exchange at Madrid, and it is probable also that you may draw on Mr. Grand to advantage, if so, I conceive it would be best to have the bill bought.

Draw on Mr. Grand at the common usance, and close the transaction, which I hope may be the last of the kind which the American Government will be concerned in. An additional reason for suggesting this is, that should this bill go through hands ignorant of the whole transaction, it may give rise to conjectures that the former practice of drawing is about to be revived. I should have drawn on France or paid in cash, but as the party is at Boston, and the rate of the exchange unfixed, it is more conformable to mercantile usage to give a new bill for the principal and damages.

I am, sir, &amp;c.,

ROBERT MORRIS.

Dumas to Livingston.†

THE HAGUE, *March 4, 1783.*

SIR: This note is intended merely to correct a statement I had the honor to make you a few days since, via Amsterdam. By an unexpected change M. Van Berckel, burgomaster of Rotterdam, and brother of the celebrated pensionary of Amsterdam, instead of M. de Dedem, has been nominated by the Province of Holland, and accepted by their high mightinesses, for minister plenipotentiary near the United States. What I have said, however, of the patriotism of one is entirely applicable to the other, and it is with the greatest satisfaction and cordiality that I recommend him to your confidence and friendship.

This morning their high mightinesses have adopted a resolution, conformable to that of Holland, relative to the instructions to their plenipotentiary at Paris to exert himself to effect a general pacification. Thus there will soon be an opportunity to congratulate the United States on the completion of this momentous affair.

I have the honor to be, &amp;c.,

DUMAS.

Dumas to J. Adams.\*

THE HAGUE, *March 4, 1783.*

SIR: This morning their high mightinesses adopted a conclusion conformable to the opinion of the Province of Holland, on the instructions to be given to their plenipotentiaries to obtain a general peace. This conclusion is unconstitutional, as it was not adopted unanimously. The deputies of three Provinces, Friesland, Zealand, and Groningen, have declared they are not yet authorized to give their consent. But this will come.

I have the honor to be, &c.,

DUMAS.

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Dumas to Livingston.\*

THE HAGUE, *March 5, 1783.*

SIR: It is with as much confidence in your goodness, as zeal to serve the worthy minister who will represent this Republic to yours, that I hasten to transmit you the copy, hereto annexed, of a letter he has just written to me.

I will add, that M. Van Berckel intends to embark at Rotterdam for Philadelphia, within three months at the latest. He will take his two sons with him, and when his house at Philadelphia is ready, he will send for his wife and three daughters, and reside permanently during the rest of his life near the Congress, who will find him as amiable as he is estimable. I am very sorry to lose him, but much rejoiced that the United States will make the acquisition. You will consider it, I hope, not unreasonable, if desiring to serve to the extent of my power my most respectable friend, whom you will soon receive as yours, no less on account of his personal virtues than of his political character, which will connect him more closely with you than with any other person, I take it for granted not only that you will pardon, but be gratified with the liberty I take of addressing this commission to you, with a request that you will confide the execution of it to some gentleman in whom you can place entire confidence, and who will discharge it according to the wishes of, and on the most advantageous terms for, M. Van Berckel; so that on his arrival he may find the house hired and at his command, the coach made, and the horses ready for use. The expenses will be paid by M. Van Berckel on his arrival, or even sooner if necessary and possible in so short a time.

If I could have an answer to this before he sets sail, which will be in

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\* 5 Sparks' Dip. Rev. Corr., 375.

May or June at the latest, it would confer a great obligation on him. He will make the passage in a good frigate.

I am, &c.,

DUMAS.

P. S.—M. Van Berckel speaks English very well. If this circumstance is fortunate for him, it will be no less so for those with whom he is to be connected in America.

Dumas to J. Adams.\*

THE HAGUE, *March 6, 1783.*

SIR: You must have already received, as well as the ministers of France and Spain, the overture of the ministers of this Republic at Paris to begin the negociation by a treaty of a mutual guarantee of the liberty of the seas. These gentlemen rely principally on the repeated promises I have made them on your part, confident that the American plenipotentiaries will not allow themselves to be influenced by Shelburne and company, who, they say, understand each other like robbers at a fair. You will have no difficulty in understanding the allusion. If this convention could be made before the signing of the definitive treaty, the Republicans here would triumph. A certain person having objected to me, that England might take umbrage if this treaty were made before the other, "Indeed!" I replied, "how long is it since France began anew to fear giving umbrage to England?"

Your declaration concerning the armistice has been inserted in the gazettes, according to your wish; as has also the English proclamation.

I am, &c.,

DUMAS.

Laurens to Franklin.†

LONDON, *March 6, 1783.*

SIR: Hitherto, since my arrival on this side of the channel, I have had nothing worth your attention to offer, indeed five or six last days excepted, I had been confined at Bath.

Mr. Oswald said to me yesterday he was going to the proper place for hearing whether he should be soon, or when required to attend upon the business of a definitive treaty and promised to acquaint me with the result of his enquiry. I have not since heard from him. While I am here I find employment. I have upon proper occasions offered my sentiments upon the lamentations over the good people called loyalists and if appearances are to be trusted, I have afforded consolation to some folks.

\* 5 Sparks' Dip. Rev. Corr., 376.

† MSS. Dep. of State.



An active M. P. said to me this morning he had thoughts of impeaching Lord Shelburne for sins of omission, and was proceeding to make special enquiries, which I took the liberty of interrupting by an observation that these were things out of our line. He went on, "Do you know that Lord Shelburne declared to the House of Lords the provisional treaty was obtained from the American ministers without the concurrence or participation of the court of France, that the court was not pleased and consequently would not hereafter be so friendly to the United States? I am afraid," added our friend, "of ill consequences; I suspect everything and shall suspect till the troops are entirely withdrawn from your country." I replied, "Don't be anxious, sir; you talked just now of an impeachment. Admit the case to be as Lord Shelburne has stated, which I do not admit, say to Lord Shelburne, and from me, if you please, that John Adams, Benj'n Franklin, John Jay, and poor Henry Laurens may be impeached and hanged for aught I know, but the United States will not be hurt nor the friendship of the court of France shaken by the infidelity of those fellows; for my own part, I am no more afraid of being hanged than I was in your tower of London." Our friend was pleased with the explanation, and I presume Lord S. will hear of it. With respect to your troops at New York, I appeal to you, sir. If there was a sergeant's guard in your house, would you proceed on business till they were effectually removed? No.

I send by the hands of Mr. Storer for the use of the commissioners at Paris the bill for the provisional establishment of commerce between Great Britain and the United States. My opinion has been often asked; I say, it may very well suit the purpose of our party, that there ought to be two to a bargain.

But are we not very liberal in opening the trade upon such terms? Undoubtedly you want to purchase rice and other provisions for home consumption and for the West Indies. You are desirous of selling your woolen and iron wares. You are liberal, but we can not profit off your bounty while the sergeant's guard is in the house. Don't be uneasy, the troops will be removed as speedily as possible—suspend then your beneficent acts until they are removed. Possibly America may ask, when you were accustomed to send troops to that country, were you puzzled to find transport ships for the purpose?

I have found it necessary to say to Mr. Adams, Doctor Franklin is possessed of another anonymous letter, with the Bruxelles mark on it, and I am *now* confirmed in my "belief" of the author of both. I wish Mr. Adams may communicate all that I have further said on this occasion.

Mr. Storer will deliver you a packet containing a third edition of Mr. Day's tract with additions and amendments.

I beg my compliments to your grandson and that you will be assured, I am, with the most sincere and affectionate regard,

Sir, your obliged and obedient servant,

HENRY LAURENS.

The good Bp. of St. Asaph is just gone from me. His lordship made the most cordial enquiries respecting your health, and said he would soon write to you, that Mrs. Shipley and all the family longed to see you. The Bishop has sent a letter which will be under cover with this.

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**Dana's Communication of his Mission to Count Ostermann.\***

**ST. PETERSBURGH, *March 7 (February 24 O. S.), 1783.***

SIR: I have the honor to inform your excellency that the United States of America, assembled in Congress, having thought fit to appoint a minister to reside near her majesty, the empress of all the Russias, have furnished me with their letter of credence for that purpose.

Convinced of the justice of their cause, and confiding entirely in that exact neutrality which her Imperial majesty had been pleased to declare, with a dignity becoming her character, she would make the invariable rule of her conduct, unless compelled to depart from it in maintenance of the rights of her Imperial crown and of her subjects, the Congress, my sovereign, have expressly commanded me to delay the communication of my mission till the course of events should prepare the way for it without the least infraction upon the system adopted by her Imperial majesty, by which she has acquired so much glory to herself. In the sentiment that that moment has now arrived, I take the liberty to request the honor of an audience of your excellency to the end that I might present to you a copy of my letter of credence to her Imperial majesty.

I have the honor to be, &c.,

FRANCIS DANA.

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**Dana to Livingston.\***

No. 20.

**ST. PETERSBURGH, *March 7, 1783.***

SIR: I have time only by the post of this day to acknowledge the receipt of yours, No. 7, of the 7th of November last, and of a letter of the same date from Mr. R. Morris, one of your secretaries, enclosing a bill for 6,666.13 livres Tournois, and also to inform you that I have this day communicated my mission to the vice chancellor, Count Ostermann, by a letter of which the enclosed is a translation, the original being in French. I have taken this step without being advised to it by my correspondent [the Marquis de Verac], but not before I had received assurances directly from the private cabinet of her Imperial majesty that

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\* MSS. Dep. of State; 4 Sparks' Dip. Rev. Corr., 673.

the way was perfectly clear.\* You will readily conjecture the reason why I have chosen to mention my last instructions so particularly in this communication, and placed them in so strong a light. There is no question in my mind of the propriety of doing this, and I hope it will not be thought amiss by Congress, whose honor and dignity I shall ever keep in view.

I am, with much esteem and respect, &c.,

FRANCIS DANA.

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Franklin to Livingston.†

PASSY, *March 7, 1783.*

SIR: I but this moment hear of this opportunity by which I can only send you a line to acquaint you that I have concluded the treaty with Sweden, which was signed on Wednesday last. You will have a copy by the first good opportunity. It differs very little from the plan sent me; in nothing material.‡ The English court is in confusion by another change of ministry, Lord Shelburne and his friends having resigned; but it is not yet certainly known who will succeed, though Lord North and Mr. Fox are talked of as two, they being reconciled!! I cannot add, but that I am, with great esteem, sir, &c.,

B. FRANKLIN.

P. S.—The change in the ministry is not supposed of any importance respecting our definitive treaty, which must conform to the preliminaries; but we shall see.

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\* As will be hereafter seen, these assurances were delusive. (See *infra*, Dana to Livingston, March 12, August 8, 1783.) Sir James Harris, the British minister at St. Petersburg, in a note to Lord Grantham, dated at St. Petersburg, 28 February (11 March), 1783, states that in consequence of his remonstrance the Empress refused to receive Dana until the ratification of the definitive treaty. 1 Malmesbury Correspondence, 506.

“The secretary assured me yesterday evening that the Empress certainly would admit of no American agent whatsoever at her court till the exchange of the ratification of the definitive treaty takes place, unless before that period we ourselves received a minister from the United States.” Harris to Grantham; March 3 (14), 1783. Bancroft MSS.

However much the Empress may have chafed at British maritime supremacy, and however much she may have resented the grossness of the bribe offered to her in the shape of Minorca to induce her as mediator to impose British terms of peace on France, she was far from approving of the revolutionary doctrines set forth by the United States. “The Empress,” said Harris on April 30, 1782, when British minister at St. Petersburg, writing to Mr. Fox, secretary of state, “has a very just and delicate notion of our American quarrel, and enters into the nicest distinctions between that war and those we are waging with the European powers.” 1 Malmesbury Correspondence, 434.

† MSS. Dep. of State; 2 Sparks' Dip. Rev. Corr., 418; 8 Bigelow's Franklin, 264.

‡ This treaty is printed in the public Journals of Congress, vol. 4, p. 241, under the date of July 29, 1783.

MARCH 8, 1783.

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Franklin to R. Morris. \*

PASSY, March 7, 1783.

DEAR SIR: With this I send you a copy of the last contract I made with this court respecting the late loan of six millions, the terms of the loan, and the times of repayment. It was impossible for me to obtain more; and, indeed, considering the state of finances and expenses here, I wonder I have obtained so much. You will see by the enclosed Gazette, that the Government is obliged to stop payment for a year of its own bills of exchange, drawn in America and the East Indies; yet it has advanced six millions to save the credit of ours. You will, I am sure, do all in your power to avoid drawing beyond your funds here, for I am absolutely assured that no further aid for this year is to be expected; and it will not be strange that they should suffer your bills to take the same fate with their own.

You will also see in the contract fresh marks of the King's goodness towards us, in giving so long a term for payment, and forgiving the first year's interest. I hope the ravings of a certain mischievous madman here against France and its ministers, which I hear of every day, will not be regarded in America so as to diminish in the least the happy union that has hitherto subsisted between the two nations, and which is, indeed, the solid foundation of our present importance in Europe.

With great esteem, I am ever, dear sir, &c.,

B. FRANKLIN.

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Morris to the President of Congress.†

OFFICE OF FINANCE, March 8, 1783.

SIR: I received yesterday afternoon a report, which is to be considered on Monday the 10th instant, and with it I received an order to transmit my observations. The shortness of the time obliges me to ask indulgence for deficiencies or inaccuracies. I have always believed that Congress were disposed to do *justice* to the public creditors, and I shall presume that the *power* of Congress will be exerted for that purpose.

There appear, therefore, two principal points to be considered:

- I. What justice requires; and,
- II. What Congress have power to do.

To the first, I answer: *Justice requires that the debt be paid.* The principles of justice require that from a Government which a court of justice exacts from an individual. Government have no right to oblige creditors to commute their debts for anything else. Any revenues, therefore, to be pledged for the restoration of public credit must be

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\* 9 Sparks' Franklin, 457: = Bigelow's Franklin, 263.

† MSS. Dep. of State: 6 Sparks' Dip. Rev. Corr., 592, with verbal changes.

such that money may be borrowed on them to pay those to whom it is due; any plan which falls short of that object will not do justice. And no plan will embrace that object unless it be such that under it individuals would prefer Government security to any other. In our particular situation it appears clear that such public creditor has a complete right to demand his whole debt from Congress, and to name the terms on which he will forego it, and that Congress have a similar right in regard to the States.

In order to determine on the second question, viz: the *power* of Congress, we must resort to the Confederation. By the eighth article it will appear that Congress have a right to determine on the sum to be paid by the States, and the time of payment, and that this sum is to be paid by the States in proportion to their respective value, or an estimation to be made in the mode to be appointed by Congress. It is, therefore, in the *power* of Congress to call for payment of the whole debt by any day; such, for instance, as the 1st of January; and to have a valuation made some previous day; such, for instance, as the 1st of September. *The right of Congress is perfect and the duty to pay absolute.* It appears necessary that this power be exerted in the most *decisive form*, and that whatever *general plan* of finance may be adopted the concurrence of each State in such plan should be admitted *as an alternative* for not paying her apportioned quota of the whole debt. My reasons are these:

1. It will not be believed that Congress have no power to do justice until the power which they have is exerted.

2. The public creditors have a right to expect that exertion.

3. Until it be made a compliance with the demands of Congress will be considered by the States as a matter of favor and not of right.

4. Congress having a right to the whole money, it follows that they have the *exclusive* right to name those precise terms on which they will commute it.

5. Hence it follows that their plan (be it what it may) must be adopted by the States in all its parts, because none of them can have a right to make amendments.

6. The objections heretofore raised against the impost will by this means be totally done away, because each State may at its option either comply with the general plan or pay her particular share of the whole debt.

7. If the plan proposed as an alternative be adopted it will, from the nature of the case, be an express national compact between the United States and each individual State. The revenue will have been purchased by Congress, and they will have a perfect right to insist on their bargain.

8. The plans of Congress will by this means be greatly facilitated in the States, because the arguments will apply to men's feelings, and they will at once perceive that it is better to give a permanent revenue of six than make immediate payment of a hundred.

9. Every term and condition in the plan will then be fair, because if the revenues be such as in the judgment of the legislature will fall too heavy on their constituents, they can adopt others, borrow on their own account, and pay in their share at the day named. So that the United States will either receive the whole money, and pay all their debts, or they will get solid revenues to fund the whole, or they will receive a part and have such revenues for the remainder.

It also appears to me that our situation requires the utmost despatch and therefore I wish much that the days named should be shorter than those above-mentioned. The act of the 17th of last month has been duly forwarded to the several States; but there will be no impropriety in taking a shorter mode of valuation for apportioning the debt, and leaving<sup>d</sup> the valuation by the act of the 17th to apply to the yearly apportionment subsequent to the last year. Various modes of making a speedy valuation might be suggested; such, for instance, as that Congress should appoint a commissioner for each State, directing them to meet at this place on the 1st of June, and determine that the valuation made by the majority of those who do meet should be conclusive. If such a line of conduct as this be pursued, those suspicions as to the integrity of Congress, which ill-designing men have endeavored to raise, must immediately cease. And if justice be not done, public indignation will be pointed to the proper persons.

With respect to the alternative which may be proposed, I am sorry to find that my ideas as to the objects of revenue have not met with the approbation of Congress. I must be indulged in observing that, let the revenues be what they may, it is indispensable that all the collectors be appointed by the authority of the United States, and for the following reasons:

1. Experience has shown that the taxes heretofore laid in the States have not been collected.

2. It is evident, from a consideration of their modes of taxation (which they are all very obstinately attached to), that they never will be punctually collected.

3. The punctuality in the payment of interest is essential to public credit.

4. As Congress forego their right to insist on the principal, it is but just that they should have every possible security for the interest.

5. As the people are in either case to pay the supposed tax at certain periods, it must be a matter of indifference to what particular man the payment is made.

6. The objection raised in favor of elected tax gatherers, viz., that they consider the circumstances of the people, which is saying, in other words, that they are guilty of favor and partiality, is the strongest reason why the collectors should be appointed by, and amenable to Congress.

7. It is a kind of absurdity in itself that Congress should have a right to the tax, and yet no right to send their servants to receive it.

I pray also to observe that the revenues must be co-existent with the debt. No man in his senses will lend on any other terms. If the revenue be only for a fixed period of time, no more can be borrowed on it than the price of an annuity for such a time. And it has already been observed that money must be *borrowed to pay* the public creditors, because they have a just right to their *money*. Another observation on this subject I must take the liberty to impress. The more clear, certain, permanent, and increasing the funds are, the lower will be the interest at which money can be borrowed. If the funds be very good, money may be borrowed at four per cent.; perhaps at three per cent. If they are not good, it will not be procured for less than six, seven, or eight per cent., and perhaps not at all. Proper reflections on this subject will naturally suggest themselves, and it will not be forgotten, that whether the debt be less or greater, and whether the interest be higher or lower, the *people must pay all*.

With respect to the impost, I conceive it to be justly exceptionable, because that an estimation *ad valorem* is arbitrary, and the law ought in all cases to be clear and explicit. The impost on prizes need not, I should suppose, be asked for, because Congress may take measures for the purpose themselves whenever the occasion requires. I conceive also, that a tax might be laid on exports which, without being burdensome, would still be productive. Enclosed is a list of rates, which I take the liberty to submit. I cannot go into a written detail of the reasons for them, because my time will not permit.

I am told that the principal objection to a land tax is the inequality. To obviate this objection (although I cannot accede to the force of it), perhaps a reduction of the sum from one dollar to a quarter of a dollar per hundred acres might be expedient; and to supply the deficiency, a tax on houses might be adopted, according to the enclosed rate, which I also beg leave to submit.

I must take the liberty to declare my most serious apprehensions from the existence of unsettled accounts among the States. Every thing which tends to create or continue them is fraught with ruinous consequences. Keeping accounts of moneys paid by taxes of the States, and liquidating those accounts by after settlements, will, I fear, prove the source of much dissension. It will operate as heretofore in preventing the States from paying anything. I would pray, therefore, to submit to Congress the following mode of terminating all present accounts, viz., that the whole sum paid or expended by each State for the public services from the commencement of the war should be placed to the credit of the particular State, and each draw interest on such sum. By this means the whole account would be equitably settled in the first instance. The States which are indebted on their own private account would be able to wipe off such debts by an assignment of national stock. And on the first requisitions made by Congress for current expenditures, each might make payment, either in part, or, perhaps, in

the whole, by a discharge of so much of the debt. Thus a degree of simplicity would be introduced into our affairs, and we might avoid the horrors of intestine convulsions.

I have the honor to be, &c.,

ROBERT MORRIS.

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Washington to Morris.\*

HEADQUARTERS, *March 8, 1783.*

SIR: Very painful sensations are excited in my mind by your letter of the 27th of February. It is impossible for me to express to you the regret with which I received the information it contains.

I have often reflected with much solicitude upon the disagreeableness of your situation, and the negligence of the several States in not enabling you to do that justice to the public creditors which their demands require. I wish the step you have taken may sound the claim to their inmost soul, and rouse them to a just sense of their own interest, honor, and credit. But I must confess to you that I have my fears, for as danger becomes further removed from them, their feelings seem to be more callous to those noble sentiments with which I could wish to see them inspired. Mutual jealousies, local prejudices, and misapprehensions have taken such deep root as will not easily be removed.

Notwithstanding the embarrassments which you have experienced, I was in hopes that you would have continued your efforts to the close of the war at least; but if your resolutions are absolutely fixed, I assure you I consider the event as one of the most unfortunate that could have fallen upon the States, and most sincerely deprecate the sad consequences which I fear will follow. The army, I am sure, at the same time that they entertain the highest sense of your exertions, will lament the step you are obliged to take as a most unfortunate circumstance to them.

I am, &c.,

GEORGE WASHINGTON.

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Morris to the President of Congress.†

OFFICE OF FINANCE, *March 10, 1783.*

SIR: In consequence of the order of Congress of the 18th of last month, I do myself the honor to enclose an estimate of the principal of the public debt to the first day of January, 1783, which has been transmitted to me by the Register of the treasury. This amounts to *thirty-*

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\*6 Sparks' Dip. Rev. Corr., 592.

†MSS. Dep. of State; 6 Sparks' Dip. Rev. Corr., 593.



*five millions three hundred and twenty-seven thousand seven hundred and sixty-nine dollars fifty-three and one-eighth ninetieths*, exclusive of what he calls the *unliquidated debt*, being the moneys due to the several States and to individuals in the several States. I beg leave, also, to mention other debts which have not been taken into the Register's contemplation, namely, the *old Continental bills and arrearages of half pay*. Congress will easily see that it is not in the power of their servants to state the public debts with any tolerable precision.\*

I have the honor to be, &c.

ROBERT MORRIS.

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MADISON'S REPORT OF DEBATES IN CONGRESS.†

WEDNESDAY, 12, THURSDAY, 13, FRIDAY, 14,  
AND SATURDAY, 15 of March, 1783.

(For prior proceedings, see *supra*, January 3, 1783.)

These days were employed in reading the despatches brought on Wednesday morning by Captain Barney, commanding the *Washington* packet. They were dated from December the fourth to the twenty-fourth, from the ministers plenipotentiary for peace, with journals of preceding transactions; and were accompanied by the preliminary articles signed on the thirtieth of November, between the said ministers and Mr. Oswald, the British minister.

The terms granted to America appeared to Congress, on the whole, extremely liberal. It was observed by several, however, that the stipulation obliging Congress to recommend to the States a restitution of confiscated property, although it could scarcely be understood that the States would comply, had the appearance of sacrificing the dignity of Congress to the pride of the British King.

The separate and secret manner in which our ministers had proceeded with respect to France, and the confidential manner with respect to the British ministers, affected different members of Congress differently. Many of the most judicious members thought they had all been in some measure ensnared by the dexterity of the British minister; and particularly disapproved of the conduct of Mr. Jay in submitting to the enemy his jealousy of the French, without even the knowledge of Dr. Franklin, and of the unguarded manner in which he, Mr. Adams, and Dr. Franklin had given in writing, sentiments unfriendly to our ally, and serving as weapons for the insidious policy of the enemy. The separate article

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\* MARCH 12.

This morning arrived the ship *Washington*, Captain Barney, with despatches from our ministers in Paris, and with six hundred thousand livres in cash, on account of the United States, in consequence of my order in October last; and this day also appeared a virulent attack on my public and private character, signed *Lucius*, in the Freeman's Journal, replete with falsehoods.—*Diary*.

† 1 Madison Papers, 380.

was most offensive, being considered as obtained by Great Britain, not for the sake of the territory ceded to her, but as a means of disuniting the United States and France, as inconsistent with the spirit of the alliance and a dishonorable departure from the candor, rectitude, and plain dealing professed by Congress. The dilemma in which Congress were placed was sorely felt. If they should communicate to the French minister everything, they exposed their own ministers, destroyed all confidence in them on the part of France, and might engage them in dangerous factions against Congress, which was the more to be apprehended as the terms obtained by their management were popular in their nature. If Congress should conceal everything, and the French court should, either from the enemy or otherwise, come to the knowledge of it, all confidence would be at an end between the allies; the enemy might be encouraged by it to make fresh experiments, and the public safety as well as the national honor be endangered. Upon the whole it was thought and observed by many that our ministers, particularly Mr. Jay, instead of making allowances for and affording facilities to France in her delicate situation between Spain and the United States, had joined with the enemy in taking advantage of it to increase her perplexity, and that they had made the safety of their country depend on the sincerity of Lord Shelburne, which was suspected by all the world besides, and even by most of themselves. (See Mr. Laurens' letter December the 24th.)

The displeasure of the French court, at the neglect of our ministers to maintain a confidential intercourse, and particularly to communicate the preliminary articles before they were signed, was not only signified to the Secretary of Foreign Affairs, but to sundry members by the Chevalier de la Luzerne. To the former he showed a letter from Count de Vergennes, directing him to remonstrate to Congress against the conduct of the American ministers, which a subsequent letter countermanded, alleging that Dr. Franklin had given some explanations that had been admitted; and told Mr. Livingston that the American ministers had deceived him (De Vergennes) by telling him, a few days before the preliminary articles were signed, that the agreement on them was at a distance; that when he carried the articles signed into council, the King expressed great indignation and asked if the Americans served him thus before peace was made and whilst they were begging for aids, what was to be expected after peace, &c. To several members he mentioned that the King had been surprised and displeased, and that he said he did not think he had such allies to deal with. To one of them who asked whether the court of France meant to complain of them to Congress, M. Marbois answered that great powers never *complained*, but that they *felt* and *remembered*. It did not appear from any circumstances that the separate article was known to the court of France or to the Chevalier de la Luzerne.

The publication of the preliminary articles, excepting the separate

article in the newspaper, was not a deliberate act of Congress. A hasty question for enjoining secrecy on certain parts of the despatches, which included those articles, was lost; and copies having been taken by members, and some of them handed to delegates of Pennsylvania, one of them reached the printer. When the publication appeared, Congress in general regretted it, not only as tending too much to lull the States, but as leading France into suspicions that Congress favored the premature signature of the articles, and were, at least, willing to remove, in the minds of the people, the blame of delaying peace from Great Britain to France. (See *infra* March 18, 1783.)

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Adams to H. Laurens.\*

PARIS March 12, 1783.

DEAR SIR: Appearances on the side where you are do not please me more than you; but I hope the weather will clear up, and that we shall soon have the pleasure of seeing you and Mr. Oswald here to put the last hand to the peace.

It is not worth while for any noble lord to "boast of his art" in obtaining the provisional treaty, without the knowledge of our great and good ally. It was not owing to "his art." But how does he know what knowledge was communicated to our ally? As to getting "John Adams & Co., hanged," this would be no more than a Hillsborough, Germaine, or Sandwich would have done, if they could. This would be no feat for a whig minister to boast of.† This same "hanging" is, however, a grave business and perhaps the aforesaid company may have reflected upon the nature of it more seriously than his lordship, unless it has struck him lately. But I can not think our country will hang her ministers merely for their simplicity in being cheated into independence, the fisheries, and half the great lakes. Our countrymen love buckskins, beaver-skins, tom-cod, and pine trees too well to hang their ministers for accepting them, or even for purchasing them by a little too much "reciprocity" to the tories.

Be it as it may, if a French minister and an English minister should

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\* 8 J. Adams' Works, 49.

† This alludes to the following passage in a letter of Mr. Laurens: "Mr. S. will communicate as much of the state of public affairs in this country as probably I know. My knowledge extends not much beyond appearances. These do not please me; but I am told that I shall be better pleased in a few days. Meantime a certain noble lord, now a little beclouded, has not failed to take the necessary advantage of his success in obtaining the "provisional treaty" without the knowledge or the participation of the great and good ally of America. For argument's sake I admit the fact. What then? John Adams & Co. may be hanged, but no damage will arise to the United States. I shall endeavor honestly to defeat his Lordship's pious designs. I suspected his Lordship's goodness when he offered to make me a present of myself. —Note to 8 J. Adams' Works, 49.

form a coalition as curious as that of the fox and the geese to get J. A. hanged, he is pretty well prepared for this, or to be recalled, or censured, or flattered, or slandered, just as they please.

I wish I could see more serious preparations for evacuating New York and Penobscot. Our people will not feel like free men in friendship with Great Britain, till this is done. If any one thinks that keeping possession of New York will help the refugees, he deceives himself. Great Britain's misfortunes have arisen from the ignorance in her rulers of the American character. If ministers are incapable of learning it, they never will succeed in addressing themselves to it. If they think that fear will work for the refugees, they will find it operate against them. But why is the definitive treaty delayed? Congress will not take the preliminaries into consideration, till they have the definitive treaty. There can be no ratification until Congress have that; and in my opinion, the States, after the ratification and recommendations, will take none of them into consideration until the United States are evacuated by the troops. In this I may be mistaken.

My respects to your good family, and believe me, &c.,

JOHN ADAMS.

J. Adams to Vaughan.\*

PARIS, *March 12, 1783.*

DEAR SIR: I thank you for the pamphlets, which are an amusement in this place, how little soever there is in them of sense or candor. The refugees, however, seem to judge right in their own affair; sensible that they have no claim at all upon America for compensation, they demand it of Great Britain, upon whom the pretensions of some of them may be very just. But why has no man dared to mention tens of thousands of sufferers in America, as innocent, as meritorious at least, as any of the refugees? Who is to make restitution and compensation to these?

Those who say you might have had a better peace, speak from conjecture, not from knowledge. They reason from a false comparison of the forces of the belligerent powers. Their imaginations magnify the finances and military power of Great Britain and diminish those of France, Spain, Holland, and America, and then they reason from this delusive comparison, that the peace is inadequate to the relative situations. I am afraid that the vote to this purpose will be an unhappy one for Great Britain. Will it not nourish a continual discontent in your nation, and a continual jealousy in all the powers that have been at war with you?

I will answer you with great sincerity. I do not believe you could possibly have obtained a better treaty with America. On the contrary,

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\* 8 J. Adams' Works, 48.

the least delay would have lost you some advantages which you now have. What conditions might have been obtained from France and Spain, I know not. France appears in the treaty with great moderation in the eyes of Europe, and her aversion to continue the war could arise from no other motive. Spain appears to have conquered her predilection for Gibraltar. If, therefore, instead of wasting the force of forty or fifty ships to guard that rock, she had acted with France in the West Indies, or against New York, or both, with twenty-five, twenty, or even only fifteen Dutch ships in the North seas or the channel, where would have been your hopes? Surely only in the defensive. Admitting what is very extravagantly improbable, that you could have defended all another year at an expense of twenty millions, would you have been then able to demand better terms, or your adversaries disposed to grant them? I trow not. On the contrary, their courage and pretensions would have advanced.

America did you a very kind turn, you may depend upon it, when she rapidly hastened on the signature of the provisional treaty. Think of it as you will, you would have had no peace at this hour but for this able seizure of the moment of the tide in the affairs of men, for which you are indebted to Mr. Oswald and his principals. Without this the negotiations would have dreamed on until D'Estaing had sailed from Cadiz, and then, *Voila une autre campagne!*

I should be very glad to see the better sort of pamphlets you mention, and particularly some to show the policy and the necessity of an immediate evacuation of New York and Penobscot.

I have the honor to be, &c.,

JOHN ADAMS.

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Dana to Livingston.\*

ST. PETERSBURGH, March 12, 1783.

SIR: In my last of the 7th of March, I acquainted you that I had that day communicated my mission to the vice chancellor, in consequence of assurances received from the private cabinet of her Imperial majesty that the way was prepared for it. I had an interview on the 5th instant with one of the members of the cabinet, who informed me, after some general conversation respecting America, that I might communicate my mission to the vice chancellor at any time; that possibly I might not receive an immediate answer to my letter, but that I need give myself no uneasiness on that account, as the delay would not be occasioned by anything which concerned the United States or me personally. I told him I could form my opinion only upon general principles; that judging upon them, I did not perceive any obstacle to her majesty's receiving in this moment a minister from the United States;

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\* MSS. Dep. of State; 4 Sparks' Dip. Rev. Corr., 674.

yet it was possible her majesty might have some particular matters in view which might form an impediment, of which I could have no knowledge.

I threw in this last sentiment to discover if there were any difficulties of the sort which the French minister had intimated to me might arise from the unsettled state of affairs alluded to in my letter—No. 19 (of the 25th of February), when I consulted him as there mentioned. He replied, there were no such matters, nor would there be any difficulty, especially since the signing of the preliminaries of peace had been communicated to her majesty, and that I might make myself perfectly easy about it, and send my letter to the vice chancellor as soon as I pleased. I have given you the substance of our conversation, omitting only the complimentary parts of it on one side and on the other. I have this day received a verbal message from the vice chancellor, acknowledging the receipt of my letter, and informing me that as this was the first week in Lent, he had not yet had an opportunity to lay it before her majesty.\* This, sir, is the present state of things so far as they concern us immediately.

I have the honor to be, &c.,

FRANCIS DANA.

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Livingston to General Greene.†

PHILADELPHIA, March 12, 1783.

DEAR SIR: The arrival of the *Washington* packet affords me an opportunity of sending you the preliminary articles agreed upon between our ministers and those of Great Britain. In every point but one they are unexceptionable; in that one I believe our ministers have labored to obtain all that circumstances would admit, and by the reference of the Tories to their respective States they have made a very slender provision for the restitution they stipulate.

What it imports you more to know is, that though our principal difficulties are removed, yet many remain to retard the peace. Our allies do not appear to have made much progress in their negotiations, and Count de Vergennes, in a letter of the 25th of December, speaks with great uncertainty of the issue of his negotiations; yet not so as to destroy our hopes of a happy conclusion; at all events, I believe that the war will be removed from us, and directed to other objects in the spring.

The British commissioners have made some propositions to ours about a convention for permitting the army to depart in peace; but as nothing was concluded, some doubts may still remain on this head; though you will find in Lord North's speech, in the enclosed paper, a passage that seems to take the evacuation for granted. As, however, I have

\* That this was a mere pretext, there being no real intention to receive Dana at court, see note to Dana's letter of March 7, 1783, *supra*.

† MSS. Dep. of State; 6 Sparks' Dip. Rev. Corr., 221.

reason to suppose that they do not mean to rest contented with the loss of West Florida, and are apparently collecting a force for its reduction at Augustine, I should think it prudent to maintain so respectable a force in Georgia and South Carolina as would discourage any attempts upon them in case the negotiations should prove abortive.

A treaty is now on foot between Sweden and us. The commission to his Swedish majesty's minister contains an ample and an honorable recognition of our independence.

The committee charged with the arrangements for the establishment of a minister from the United Provinces at this place, have reported to the states of Holland on his salary and appointments, so that the diplomatic corps here will shortly be increased.

The general news of this place as well as what relates particularly to the arrangements made and now making for the army, you will learn from Major Burnet, who does me the favor to be the bearer of this. It will not be necessary, therefore, to lengthen this further than to declare the sincere esteem and respect, with which I have the honor to be, sir, &c.,

ROBERT R. LIVINGSTON.

Hartley to Franklin.\*

LONDON, *March 12, 1783.*

MY DEAR FRIEND: It is a long while since I have heard from you, or indeed since I wrote to you. I heartily congratulate you on those pacific events which have already happened, and I wish to see all other final steps of conciliation succeed speedily. I send you copies of two papers, which I have already communicated to Mr. Laurens; the one called *Conciliatory Propositions, in March, 1783*; the other a *Sketch of a Provisional Treaty of Commerce for Opening the Ports between Great Britain and the United States of America without Delay*; to each of which is prefixed a short state of the argument on each head.

As for the news of this country, you have doubtless heard that Lord Shelburne's administration has for some time been considered as at an end, although no other has been as yet substituted in the place of it. It was understood yesterday, and I believe with good foundation, that what is now called the Portland party have been applied to, and they are now considered as the party most likely to succeed. As far as my wishes go such an event would be most satisfactory to me. I have known the Duke of Portland for many years, and by experience I know him to be a nobleman of the strictest honor and of the soundest whig principles, sincere and explicit in every thought and transaction, manly in his judgment, and firm in his conduct. The kingdom of Ireland, of which he was lately lord lieutenant, bears unanimous testimony

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\* 2 Sparks' Dip. Rev. Corr., 419.

to this character of him. The Cavendish family (a good whig name), Mr. Fox, Lord Fitzwilliam, &c., &c., form the core of his system and connections. I most earnestly wish to see a firm administration upon a whig foundation, which I should consider as a solid basis, on the part of this country, for a perpetual correspondence of amity and conciliation with America. I am very anxious to hear of your health. God bless you.

Ever your most affectionate,

D. HARTLEY.

#### CONCILIATORY PROPOSITIONS, MARCH, 1783.

Terms of peace having been agreed upon between Great Britain and France on the 20th of January, 1783, there need not be any further delay in proceeding to conclude the proposed treaty between Great Britain and the United States of America upon the basis of the provisional articles of the 30th of November, 1782.

It is to be observed that none of the articles of the provisional treaty are to take effect until the conclusion of the definitive treaty with America, at which time, likewise, all places in the American States in possession of the British arms are to be evacuated, and the British army withdrawn from the United States (by article 7). If, therefore, it should be wished on the part of Great Britain to bring forward the fifth article respecting the loyalists before the conclusion of the definitive treaty with America, the bayonet should be withdrawn from the American breast by the voluntary removal of the British troops with all convenient despatch. This condition of the removal of the troops is likewise necessary before any provisional terms of commerce with America can take place.

By the sixth article of the provisional treaty all future confiscations in America are precluded, although the prosecutions at present subsisting are not to be stopped before the definitive treaty. But if the substantial pledge of returning amity on the part of Great Britain, viz., the removal of the troops, should be voluntarily anticipated, it would be but reasonable that all prosecutions should be immediately abated on the part of America, and to facilitate the removal of the troops the loyalists may be permitted to remain in safety and unmolested (if they choose to remain) from the period of removing the troops until twelve months after the definitive treaty.

There is another article of the provisional treaty, the delay of which is much to be lamented, viz., the mutual release of prisoners of war on both sides. As this is an article of reciprocity, both sides, from principles of humanity, are equally interested to bring it forward into effect speedily, that those unhappy captives may not alone suffer the miseries of war in the time of peace.

Upon these considerations the following supplemental terms of a treaty between Great Britain and the United States are proposed :

1. That the British troops shall be withdrawn with all convenient speed.
2. That the commissioners on both sides do proceed to the conclusion of a definitive treaty.
3. That the commissioners do speedily negotiate a provisional convention of commerce (hereunto annexed), to take place immediately; the terms of this temporary convention not to be pleaded on either side in the negotiation of final and perpetual treaty of commerce between Great Britain and the United States.
4. That the commissioners do negotiate a perpetual treaty of commerce.
5. That all prosecutions of the loyalists in America be immediately abated, and that they be permitted to remain until twelve months after the definitive treaty, unmolested in their endeavors to obtain restitution of their estates.
6. That all prisoners on both sides be immediately released.
7. That intercourse of amity and commerce do immediately take place between Great Britain and the United States of America.



## SKETCH OF A PROVISIONAL TREATY OF COMMERCE.

As soon as preliminaries of peace are signed with any independent states, such as Spain, France, and Holland, the course of mutual commerce emerges upon the same terms and conditions as were existing antecedent to the war, the new duties imposed during the war excepted. The case between Great Britain and America is different, because America from a dependent nation before the war, emerges an independent nation after the war. The basis, therefore, of a provisional treaty between Great Britain and the United States would be simply to arrange such points as would emerge after the war, impracticable and discordant to the newly established independence of the American States, and to leave all others as much as possible untouched. For instance, that all instrumental regulations, such as papers, bonds, certificates, oaths, and all other documents should be between Great Britain and the United States upon the same footing, and no other than as between Great Britain and any independent nation, but that all duties, drawbacks, bounties, rights, privileges, and all pecuniary considerations should emerge into action and effect as before. I say emerge as before, not stipulated for any fixed term because I am speaking of a provisional treaty, not of a provisional bill of commerce, for a specified period. By this means all difficulties which otherwise would be accumulated, and obstruct a temporary and provisional act, are avoided *in limine*. The ports will be immediately opened upon specified and known conditions. If the legislature of either country thinks proper to introduce on its own part any new conditions or regulations, even previous to the intended treaty of commerce that will not shut the ports again generally, but only operate *pro tanto* according to the case, on which side soever any novel condition should arise, the other will likewise be at liberty to make any corresponding regulations as between independent nations. The great object is to open the ports between Great Britain and the United States immediately on the signature of preliminaries of peace as between France and Great Britain. By the proposition above stated Great Britain and France and Great Britain and the United States, respectively, on the subject of intercourse of commerce, would emerge again after the war into situations relatively similar to their situation before the war.

The crown of Great Britain is enabled by the conciliatory act of 1762 to repeal, annul, make void, or suspend for any time or times the operation and effect of any act of Parliament, or any clause, provision, matter, or thing therein contained relating to the Colonies or Plantations now become the United States of America, and therefore the crown is not only competent to conclude but likewise to carry into effect any provisional treaty of commerce with America. The first foundation must be laid in the total repeal of the prohibitory act of December, 1775, not only as prohibiting commerce between Great Britain and the United States, but as the corner stone of the war; by giving up universally all American property at sea to military plunder without any redress to be obtained by law in any British court of admiralty. After this all obstructions from the act of navigation and other acts regulating the commerce of the States of America (formerly dependent upon Great Britain) may be removed. Instructions may be sent to the commissioners of the customs to dispense with bonds, certificates, &c., which by the old laws are required to be discharged or attested by supposed governors, naval or custom-house officers in America. The questions of drawbacks, bounties, &c., after opening the ports, may remain free points of discussions and regulation, as between States having no commercial treaty subsisting between them. As the crown is competent to open an intercourse of commerce with America by treaty, this mode is preferable to any act of Parliament, which may be only a jealous and suspicious convention *ex parte*. This mode by treaty avoids the accumulated difficulties which might otherwise obstruct the first opening of the ports by act of Parliament, and above all it secures an alternate binding part of the bargain, which no act of Parliament can do.

Breviate of the treaty, viz: Provisional for intercourse and commerce between Great Britain and the United States of America.

1. That all ports shall be mutually open for intercourse and commerce.
2. And therefore the King of Great Britain agrees to the repeal of the prohibitory acts, viz., 16 Geo. 3, chap. 5, &c. The King of Great Britain likewise agrees by instructions, according to the laws of Great Britain, to his commissioners of customs and other officers, to remove all obstructions to American ships either entering inwards or clearing outwards which may arise from any acts of Parliament heretofore regulating the commerce of the American States under the description of British Colonies or Plantations, so as to accommodate every circumstance to the reception of their ships as the ships of independent states.
3. All duties, drawbacks, bounties, rights, privileges, and all other money considerations shall remain, respecting the United States of America, upon the same footing as they now remain respecting the Province of Nova Scotia in America, or as if the aforesaid States had remained dependent upon Great Britain. All this subject to regulations or alterations by any future acts of the Parliament of Great Britain.
4. On the part of the States of America it is agreed, that all laws prohibiting the commerce of Great Britain shall be repealed.
5. Agreed upon the same part, that all ships and merchandize of the British dominions shall be admitted upon the same terms as before the war, except any imposts laid during the war. All this subject to future regulations or alterations by the legislatures of the American States respectively.
6. The principles and spirit of this treaty to be supported on either side by any necessary supplemental arrangements. No tacit compliance on the part of America in any subordinate points to be argued at any time hereafter to the prejudice of their independence.

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Livingston to Washington.\*

PHILADELPHIA, March 12, 1783.

DEAR SIR: The *Washington* packet arrived this morning. I have not yet had leisure to read all my letters, but as an express is ready to go early to-morrow, I rather choose to rely upon your goodness to excuse a letter written in extreme haste than to hold myself inexcusable by not informing you of what we yet know of the state of our negotiations. None of my letters is of a later date than the 25th of December. All difficulties had then been removed with respect to us and the preliminaries were signed; they consist of nine articles.

The *first* acknowledges our independence.

The *second* describes our boundaries, which are as extensive as we could wish.

The *third* ascertains our rights as to the fishery, and puts them upon the same footing that they were before the war.

The *fourth* provides that all British debts shall be paid.

The *fifth* and *sixth* are enclosed for your perusal, as they are likely to be the least satisfactory here.

The *seventh* stipulates that hostilities shall immediately cease, and that the British troops be withdrawn without carrying off any property or dismantling fortifications; that records and archives shall be restored.

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\* MSS. Dep. of State; 6 Sparks' Dip. Rev. Corr., 220; 4 Sparks' Letters to Washington, 1.

The *eighth* stipulates that the navigation of the Mississippi shall be open to us and Great Britain.

The *ninth*, that all conquests made in America after the ratification shall be restored.

These preliminaries are only provisional upon the determination of a peace with France, whose negotiations have not made such progress as ours. I believe they find themselves very much embarrassed by the demands of their other allies.

The Count de Vergennes, in a letter of the 25th of December, says: "I cannot foresee the issue, for difficulties arise from the disposition we have shown to remove them. It would be well, sir, to prepare Congress for every event. I do not despair; I rather hope; but all is yet uncertain."

But, sir, whatever the event of the negotiations may be, I persuade myself the enemy will leave these States. Mr. Oswald has made some propositions to our ministers upon this subject, proposing that they might be permitted to embark without molestation and endeavor to recover West Florida from the Spaniards. This last communication (which you will consider as confidential) I thought might be important to your excellency. By attending to their conduct you will be able to judge if they mean to pursue this system, or if it was only thrown out to deceive.

I enclose also for your perusal extracts from the addresses, not having time to have them copied at large. They are mere echoes to the speech. Supplies were voted without one dissenting voice.

I must pray your excellency to send on the enclosed packets; any expense it occasions will be paid by the governor.

I have the honor to be, &c.,

ROBERT R. LIVINGSTON.

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Madison to Edmund Randolph.\*

PHILADELPHIA, March 12, 1783.

DEAR SIR: Captain Barney, commanding the American packet-boat, which has been long expected, with official intelligence from our ministers in Europe, arrived here this morning. He brings a supply of money, the sum of which I can not as yet specify, and comes under a passport from the King of Great Britain. The despatches from our ministers are dated the fifth, fourteenth, and twenty-fourth of December. Those of the fourteenth enclose a copy of the preliminary articles, provisionally signed between the American and British plenipotentiaries. The tenor of them is that the United States shall be acknowledged and treated with as free, sovereign, and independent; that our bound-

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\* 1 Madison Papers, 515.

aries shall begin at the mouth of the St. Croix, run thence to the ridge dividing the waters of the Atlantic from those of the St. Lawrence; thence to the head of Connecticut River; thence down to forty-five degrees north latitude; thence to Cadaraqui; thence through the middle of Lakes Ontario, Erie, Huron, and Superior to Long Lake, to Lake of the Woods; and thence due west to the Mississippi; thence down the middle of the river to latitude thirty-one; thence to Apalachicola, to Flint River, to St. Mary's, and down the same to the Atlantic; that the fisheries shall be exercised as formerly; that Congress shall earnestly recommend to the States a restitution of confiscated property, a permission to the refugees to come and remain for one year within the States to solicit restitution, and that in the most obnoxious cases restitution may be demanded of purchasers on reimbursing them the price of the property; that debts contracted prior to 1775 shall be mutually paid according to sterling value; that all prisoners shall be mutually set at liberty, troops withdrawn, and all records and papers restored; that the navigation of the Mississippi, from the source to the mouth, shall be mutually free for the subjects of Great Britain and the citizens of America. A proposition comprehending the West Indies was offered on the subject of commerce, but not admitted on the part of Great Britain.

In the course of the negotiation Great Britain contended for not only the limits marked out in the Quebec act, but all ungranted soil, for a contraction of the fisheries, and for absolute stipulations in favor of the loyalists.

The despatches of the fourteenth speak also of the principal preliminaries between France and Great Britain being settled; but of little progress being made in those between Holland and Spain and the latter, and of none between Spain and the United States.

A letter of the twenty-fourth of December from Dr. Franklin varies the scene somewhat. It says that uncertainties were arising from the unsettled state of minds in England, and encloses a letter from the Count de Vergennes, observing that difficulties had arisen from the very facilities yielded on the part of France, and concluding with these words, as well as I can recollect: "*Je ne désespère pas; j'espère plutôt; mais tout est incertain.*"

Franklin's correspondence on this occasion denotes a vigor of intellect which is astonishing at his age. A letter to the British minister on the case of the tories in particular is remarkable for strength of reasoning, of sentiment, and of expression. He concludes his letter to Congress with observing that he is now entering on his seventy-eighth year, fifty of which have been spent in the public service, and that having lived to see, like Simeon of old, the salvation of his country, his prayer is that he may be permitted to retire from public life. Mr. Adams has also transmitted his resignation.

The arrival of this intelligence will probably procure from Congress some final decision with respect to Mr. Jefferson.

Having given you all the facts which hurry would admit, I leave you to your own conclusion as to the object of them.

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Carmichael to Livingston.\*

No. 22.

MADRID, March 13, 1783.

SIR: I had the honor to address you on the 18th and 30th of January and the 21st ultimo. In the last I advised you that this court had consented to receive me in a public character, and that as such I had been formally invited to dine with the *corps diplomatique* at the Count de Florida Blanca's table. On the 22d ultimo, accompanied by the Marquis de la Fayette, I went to the Pardo, the present residence of the royal family, where we dined together; a circumstance which not a little surprised several of the foreign ministers, who knew that I had for some time neglected to pay my court there. Those of Russia and Vienna were particularly curious. From their conduct then and since I am persuaded that they are mortified in having led their respective courts to believe that a connexion between the United States and Spain was more distant than it appears to be at present.

The not having as yet been presented occasioned many conjectures and subjects me to many questions. I have been asked by several of the foreign ministers if I meant to pay the usual visits and to make the customary notification of this event to the *corps diplomatique* here. I have in general replied that I had not determined as yet what would be my conduct on this occasion, but that certainly if presented in the absence of Mr. Jay I should visit none, however great my personal respect might be for them, without being previously informed that they would return my visit. It is my opinion that I ought to wait on none but those of France, Holland, and Prussia; on the latter, because on his presentation to the royal family he paid the same compliment to me as to the others. I presume that my presentation will not take place until the Count de Florida Blanca receives an answer from the Count d'Aranda, whom he directed to communicate to Mr. Jay the present disposition of this court.

On the 15th ultimo the court of Portugal thought proper to repeal an ordinance published the 5th of July, 1776, prohibiting the entry of all American vessels into the ports of Portugal, &c., &c., and to direct in future they shall be treated on the same footing as those of other nations in friendship with that crown.

On the 30th of January I had the honor to inform you that it was

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\* MSS. Dep. of State; 5 Sparks' Dip. Rev. Corr., 117, with verbal changes.

more than probable that the Emperor and Russia meditated great designs. It has been my constant endeavor since to procure information on this head. I will not pretend to give as authentic the result of my inquiries, although I have collected my intelligence from various persons in a situation of knowing what passes at these courts. From these I have collected that in the month of April, 1780, the courts of Vienna and Petersburg adopted the project of attacking the Turkish empire in Europe, and at that period concluded an eventual partition treaty. In order to have time to make the necessary preparations for this war, and to conceal their real intentions, these courts offered their mediation to the belligerent powers, and proposed a general congress, in which they hoped to further embroil matters and to retard the peace. The courts of France and Spain saw through their intentions, and although they accepted the proffered offer of mediation, they evaded, under different pretexts, fixing either the place or the time for assembling the Congress. I remarked that soon after the signature of our provisional treaty with Great Britain the ambassador of the Emperor and the Russian minister were very uneasy, and exceedingly inquisitive to know whether there would be a general congress or not, sounding me on that subject, on a supposition that I should be advised of it by Dr. Franklin. Lately they have circulated a report that the congress was to be held at Vienna. The Count de Montmorin, who was compromised in this rumor, took an opportunity to mention publicly that neither *à voce* nor by letter he had given the least surmise that could authorise it. Since, from the same quarter, it has been insinuated that the courts of Vienna and Russia had taken their measures, and would not be deterred from the prosecution of them.

Great pains have been taken to persuade others that the King of Prussia had acceded to the confederation on consideration of Courland and that part of Silesia still in possession of the Austrian family being ceded to him. This gained credit even at court, and my intimacy with the Prussian minister induced me to speak of it to him in a friendly manner as a circumstance that would be prejudicial to his negotiation here. He then assured me he had no information on the subject, and on my naming to him the source from whence I had my information, he cautiously avoided appearing united with the Imperial and Russian representatives, and a day or two ago positively assured me that he had received letters from the King which authorised him to say that there was no foundation for this rumor. He made, I believe, the same communication to the Count de Montmorin, and further observed to me that the court of Vienna had made use of the same artifice to induce the Elector of Bavaria to consent to a dismemberment of his country.

The last letters from the north speak much of the great preparations for war making in the Austrian and Russian dominions. The firm conduct of the court of France may dissipate this storm, if the accession of the court of Prussia to this confederation should not prove true. I

have been assured, from a very good quarter, that Lord Shelburne saw with uneasiness the intentions of the Emperor and Russia. But the late triumph of his opponents in Parliament will probably oblige him to resign. The preliminary articles of peace, particularly those with the United States, were very ill received. The address of thanks was negatived in the lower house by a majority of sixteen, and carried in the upper by eight only. Lord Grantham told Mr. Huredia, the *chargé des affaires* of Spain, that the treaty with America had been the ruin of Lord Shelburne's administration; that he expected to be obliged to give in his resignation also, for which reason he could not proceed in his negociation until he saw whether the administration of which he was a member kept its ground or not.

Thus for the present all is anarchy and confusion in England. The same spirit of division seems to have seized on the army and navy. There have been great riots at Portsmouth. The scarcity of grain may occasion similar disturbances in different parts of the kingdom. The Danish envoy at this court has just communicated to me letters which he has received from his court in answer to those which he wrote in consequence of his conversations with me on the subject of a treaty between the United States and Denmark. The minister advises him that in order to accelerate this affair, that the king had thought proper to send to Paris a person with powers to treat with Dr. Franklin. That this gentleman, whose name was Walkerdorff, was to leave Copenhagen the middle of February, and had instructions to communicate to him the result of his conferences with Dr. Franklin, and that he himself had orders to impart to me this correspondence. He added that the King was sincerely disposed to cultivate the amity of the States; that Denmark would make Christianstand a free port for the American commerce, and give it every other advantage in Europe and the West Indies which could be reasonably desired. He finished by entreating me to make known these sentiments to Congress.

The Saxon minister daily expects permission to give me extracts from such part of the despatches of his court to him as relate to our affairs, in order to convince Congress of the early desire of the Elector to form connexions between the citizens of the States and his subjects. The minister of Sweden is much mortified that the negociation which he commenced with me should have been taken out of his hands and given to the ambassador from that court at Paris. He informs me that a treaty of amity and commerce is on the point of being concluded, if not already signed, by Dr. Franklin and the Swedish representative at Paris.

Thus, sir, we have the pleasure to see arrive the period when our friendship is solicited by most of the European nations. As we shall have undoubtedly a considerable commerce in the Mediterranean, it is to be wished that early measures may be taken to cultivate the friendship of the states of Barbary. It has been reported here that Spain

will make another attempt on Algiers as soon as the definitive treaty is signed.

The bank so often mentioned in former letters will very soon commence its operations. The subscription fills fast, and the directors assure me that they shall be able to fulfil what they have promised to the public. The directors for the supply of the army and navy have engaged to give the preference to America for such articles as they may from time to time stand in need of from thence, and for this purpose have taken from me the address of mercantile houses in the different States. I mention this in order that the different members in Congress may be enabled to inform their constituents, who perhaps might choose to furnish supplies of the produce of the States to which they belong to this country, and who may be able to do it on better terms than the parties I have recommended. The articles most in demand will be masts, spars, tar, pitch, turpentine, flour, grain, fish, &c. The tariff mentioned in my last excites universal complaint; there is not a minister from a maritime court who is not preparing to make remonstrances. I shall see what success they have, and regulate my conduct thereby. If we obtain any partial advantages, they must be derived from treaty and the desire of Spain to cultivate our friendship.

The court has not yet named a minister to the United States. Indeed, it is difficult to find a proper person for this employment. I proposed to a M. José Llanos, a gentleman highly respected here for his abilities and his sweetness of manners, this commission. He is nephew of the Duke d'Osada, a favorite of the King. The proposal was received with great marks of satisfaction, and will contribute to secure his good will and friendship, as well as that of his uncle, if it answers no other purpose. The same under secretary in the foreign department who is charged with the affairs of Great Britain has also the direction of those of the United States. On being informed of this circumstance, I paid him my compliments, and shall neglect nothing which shall enable me to secure his good will, on which, in a great measure, depends the despatch of business which passes through his hands.

Since my residence in this capital I have written several long letters to the Philadelphia Philosophical Society, in which, among other things, I recommended to its attention the nomination of persons in this country as honorary members. I know not whether these letters ever came to hand, for which reason permit me to suggest to you whether the nomination of the most distinguished literary characters in the different countries of Europe might not be useful. The suffrage of the republic of letters has contributed to give us a celebrity during the war, and this union formed with its chiefs in various countries will secure useful connexions to our ministers, as well as to the American youth who may travel for instruction. Should this idea meet your approbation, I would take the liberty of recommending the Count de Campomanes,



Fiscal of the Council of Castile, the above-mentioned Don Gaspar José Llanos, and the Abbé Gavarra, secretary of the Academy of History.

In consequence of your request to nominate a person to receive my salary, I have written to Mr. John Ross to act for me. I have now more than three quarters due, and am absolutely obliged to live on credit. I am under great obligations to Dr. Franklin for his kindness in answering the bills which I have been constrained to draw upon him hitherto, but dare not draw for the amount of salary due me, lest he should not have funds. It is impossible for me to retrench my expenses, without at the same time depriving myself of the occasion of seeing frequently those here from whom alone useful information can be obtained.

I am happy to have had the Marquis de la Fayette a witness of my conduct, and I flatter myself that his testimony will convince you that I have neglected nothing to conciliate the esteem of the best-informed natives and most distinguished foreigners at this court, from whom I could expect either countenance or intelligence. If possible I will endeavor to send with this letter copies of all public accounts. Having no one to assist me in the comparing with the books and examining the number of bills which have been paid, their dates, &c., &c., and being but an indifferent accountant, I proceed more slowly in their arrangement than I desire. I hope Congress will finally have no reason to complain, as it has been and ever will be my highest ambition to merit the confidence reposed in me.

I have the honor to be, &c.,

WILLIAM CAEMICHAEL.

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Livingston to the President of Congress.\*

OFFICE OF FOREIGN AFFAIRS,

March 13, 1783.

SIR: I have the honor to lay before Congress the enclosed letter from Mr. Jefferson, who is waiting at this place their determination. As Major Burnet is now in town, and will be the bearer of despatches to General Greene, I take the liberty to request the earliest attention of Congress to those parts of the despatches submitted to them that induce a belief that the enemy will turn their arms against West Florida which the force they now have at Augustine renders probable. Congress may, perhaps, think it advisable to order that the force in the southern States should be so respectable as to discourage a second attempt upon them in case the failure of the negotiation should occasion any change in the British cabinet.

I have the honor to be, &c.,

ROBERT R. LIVINGSTON.

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\* MSS. Dep. of State; 6 Sparks' Dip. Rev. Corr., 222.

Morris to General Greene.\*

OFFICE OF FINANCE, *March 14, 1783.*

SIR: I received the other day your letter of the 2d of February last, and am very much obliged both by the pains you have taken and the sentiments you have expressed in favor of a department which I shall shortly be obliged to abandon. You will before this reaches you have seen in the newspapers my letters of resignation. I shall not, therefore, go into a detail of the reasons for taking that step, which was as painful to me as you can easily conceive. But I had no alternative. I saw clearly that, while it was asserted on all hands our debts ought to be paid, no efficient measures would be adopted for the purpose; no good plan agreed on. I felt the consequences of my resignation on the public credit; I felt the probable derangement of our affairs; I felt the difficulties my successor would have to encounter, but still I felt that above all things it was my duty to be honest. This first and highest principle has been obeyed. I do not hold myself answerable for consequences. Those are to be attributed to the opposers of just measures, let their rank and station be what they may. I expect much obloquy for my conduct, because this is what I knew to be the reward for any conduct whatever which is right. To slander I am indifferent, and still more indifferent about the attempts to question the services I have rendered, but I feel most sensibly for your situation and for that of every other officer.

The Congress have now, and have long since had under their consideration a due provision for the public debts; when they will conclude it, and what it will be, God only knows. If it is such as in my opinion will do justice, I shall stay somewhat longer in office to know the decisions of the States, and if their proceedings are what on such an occasion they ought to be, I shall spare no labor and regret no time in completing the business, so that my successor may receive it from my hands as clear and simple as it was confused and embarrassed when it was undertaken. But if these things do not happen, you and every other good man will, I hope, acquit me for leaving a post in which I am totally unsupported, and where I must be daily the witness to scenes of poignant anguish and deep injustice without the possibility of administering either relief or palliation. While I do continue in office rely on every support in my power, and always, whether a public or private man, believe in my esteem and affection.

I am, very respectfully, &c.,

ROBERT MORRIS.

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\* 6 Sparks' Dip. Rev. Corr., 594.

Luzerne to Washington.\*

[Translation.]

PHILADELPHIA, *March 15, 1783.*

SIR: Your excellency will doubtless receive directly a state of affairs in Europe. I thought, however, that it would be interesting to inform you of some particulars which I am ordered not to make public, but which will also be communicated to Congress. The British minister has hastened to conclude an eventual treaty of peace with the United States and to grant them in the utmost extent every advantage they could desire. The malevolence with which that power has carried on the war in America did not forbode this extreme facility in them, and it has been an agreeable surprise to the belligerent powers, and you will easily judge, sir, that our satisfaction has been complete, and in seeing the great obstacle to peace put, as it were, on one side.

We think we may hope that the epocha of a general peace is not far distant. However the English, though disposed to come to a conclusion with the courts of Versailles and Madrid, seem much more difficult in the negociation carrying on with the States-General. But the King, who through the whole of this war has refused to conclude a peace without obtaining for his allies a just and reasonable satisfaction, persists in these sentiments, and he doubts not that the United States will on their part fulfil their engagements by continuing the war till a definitive treaty is concluded, and thereby entirely disconcert the projects of the English, who flatter themselves that, by means of the eventual treaty which they have concluded, they will be able to establish on the continent a suspension of hostilities equal to a truce written and signed.

It is possible that the firmness and resolution of his majesty will determine England to make those restitutions to which she shows so much repugnance; but it is also possible that the war will continue another year; and to put the United States in a situation to continue the war with vigor his majesty has lent them six millions of livres; six hundred thousand livres are arrived in the *Washington*, but I have learnt with much pain that Mr. Morris has, through want of means, been forced to anticipate the pecuniary succors he hoped to receive, so that the six millions is not so considerable a help as was to have been desired.

It remains to examine in what manner we can disturb and shut up the enemy during the next campaign. I shall not take the liberty to sound your excellency on these points, but I beg you to permit me to say that it will be serving the common cause essentially to stop those excessive exportations of subsistence to New York, and in case of an evacuation of that place to prevent them as much as possible from

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\* 6 Sparks' Dip. Rev. Corr., 114.

procuring subsistence from hence to carry on the campaign in the West Indies.

The Duc de Lauzun will confer with you on these points on his return from the eastward, and I beg you, sir, to consider with him how to make the legion early useful; it may be very usefully employed in the service above mentioned, and the Duke will be happy to act in any manner your excellency may wish.

In all cases, it can not but be of service to hold ourselves in a hostile position. If the negotiations produce the happy effects we wish, I will lose no time in informing you, and knowing your humane disposition, I think I never shall announce to you a more agreeable event than a general peace, honorable and safe to the allies. You are convinced how sincerely the King wishes it, and the sacrifices he has made to obtain it will prove this.

If the treaty has been communicated to you, sir, you will have seen that the King of England has reserved to himself the liberty to conclude or not to conclude the treaty of peace with America, so that the act signed the 30th of November by the respective commissioners is merely conditional and eventual.

I have the honor to be, &c.,

LUZERNE.

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Luzerne to Robert Morris.\*

[Translation.]

PHILADELPHIA, *March 15, 1783.*

SIR: I have the satisfaction to inform you that his majesty procures for the United States a loan of six millions, to be employed in the Department of War during the course of the present year. While I announce to you this new mark of the friendship of the King for the United States, I must go into some details which relate to your operations, and which will make you acquainted with the motives which have induced his majesty to make this new effort in favor of his allies.

In the course of the last year, I rendered an account to his majesty's minister of the order which seemed to me to be introduced into the department intrusted to you, of the re-establishment of the public credit, and of the economy which attended your operations. I added, that I considered the establishment of a public revenue for the payment of interest, and the progressive redemption of the capitals, as extremely probable, and as the delay and the difficulty of communication would not allow me to wait till this operation was completed by the different legislatures, before I should explain what were the wants of the United States, I took it upon myself to write to the Count de Vergennes that the disposition of the people to fulfill the engagements made and to be

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\* MSS. Dep. of State; 6 Sparks' Dip. Rev. Corr., 111, with minor changes.

made by Congress, appeared to me sufficiently favorable to induce his majesty to lend a new sum of money to the United States for this year, if the state of his finances should allow it. These assurances obtained the loan of six millions; but the event has proved that I had deceived myself in the hopes which I had thought myself authorised to give to my court, and so far from the financial affairs being improved since the month of February, the time at which my letters on this subject were written, they have, on the contrary, taken a retrograde direction, and I see no certainty of the payment of the sums previously lent, and of that which has just been lent.

Thus, sir, my hasty assurances have determined his majesty to advance this money, and at the moment in which I am informed of it, I am under the disagreeable necessity of acquainting his minister that the hopes which I had given have vanished, and that my assurances were without foundation.

I shall say nothing to you of the embarrassing situation in which I am personally placed by these circumstances. But I shall take the liberty of observing to you, that in the present juncture the best remedy is, to take as soon as possible the measures which have not been taken within the time which I had announced.

The Count de Vergennes, sir, informs me that the six millions are lent to the United States in the same manner and on the same conditions as the sum which was lent last year; that is to say, that they will be paid from month to month, at the rate of five hundred thousand livres a month; but as it appeared, according to what you did me the honor of writing to me previously, that you had anticipated a part of this subsidy, I must entreat you to observe that the first months of this year will serve for paying the money thus anticipated, and thus that it is accordingly proper so to arrange the drawing of your bills, as that they may only be presented from month to month, and at the times when the money for paying them shall have been obtained.

I have had the honor to inform you, sir, that this money was loaned to the United States in order to enable them to continue the war; the wisdom of Congress will determine, according to circumstances, the manner of effecting this important object, and by united efforts of compelling the enemy to conclude a firm and lasting peace.

It remains for me to inform you, sir, that the King has not been able to make this last effort without great difficulties. I have had the honor of communicating to you those which prevent the success of loans of considerable magnitude; they are so great, that I am ordered to announce to you, in the most positive manner, that it will be impossible for the King, under any supposition whatever, to procure new advances of money for Congress for the next year. With regard to the resources which you may seek in other places besides France, the letters which I have had the honor of reading to you do not allow any success to be looked for until the United States shall have established a permanent

public revenue; and the delay and repugnance with which they proceeded in doing this being known in Europe, the inclination for lending money to Congress which may have existed has disappeared; the lenders make other investments; the speculations which might have been directed towards the United States, go farther and farther from them, and it will certainly be difficult to bring them back.

I refrain from repeating here the other parts of the despatches of the Count de Vergennes which I have had the honor of communicating to you, because the truths contained in them are well known to you, sir, and because they all may be reduced to this single position: *Without the speedy establishment of a substantial public revenue, and without the exact execution of the engagements entered into by Congress, the hope of obtaining loans in Europe must be given up.*

I am also ordered, sir, to represent to Congress that my court relied upon final and satisfactory measures being taken to secure the payment of the interest and of the debt contracted by the United States toward his majesty. But I content myself with mentioning this circumstance to you, and before directly announcing it to Congress, I shall wait till their present embarrassments are diminished.

You will judge, sir, by these details how impossible it is to draw bills upon your plenipotentiaries beyond that part of the six millions loan of this year which is unappropriated. It is clearly shown that these bills will not be paid by us, and it is with a full confidence in your regularity in this respect that I shall inform the Count de Vergennes that he may be assured that no demand will be made for any sums whatever beyond that sum which has just been determined upon.

I have the honor to be, &c.,

LUZERNE.

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Laurens to Livingston.\*

LONDON, March 15, 1783.

SIR: My last is dated Paris, 9th of January. The original and three copies were, for conveyance, divided between Nantes and L'Orient. Five weeks' use of the waters of the Bath had so far recovered my health as to induce me to come to London about eighteen days ago, in order to avail myself of opportunities for urging a definitive treaty between Great Britain and the United States, as well as the necessity for removing the British troops from New York. I have signified my opinion to the proper persons, that, until the latter is effected, America will not deem herself at peace. Wise and good men feel the impression, acknowledge the propriety of my observations, and while there was a government by a ministry that point was attended to. But for some days past the great struggle has been, who should be the persons to form

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\* MSS. Dep. of State; 1 Sparks' Dip. Rev. Corr., 734.

a new administration. In the mean time, the momentous business in which we are concerned lies dormant, nor do I know where to apply for putting it in motion. The House of Commons had indeed introduced a bill for a "provisional establishment and regulation of trade and intercourse between the subjects of Great Britain and those of the United States of North America." A printed copy was put into my hands and my opinion asked by many members of that House. I objected generally to opening trade merely by act of Parliament, and especially to certain parts of the bill, but above all to an intercourse, until the citizens of New York shall be left in quiet and complete possession of their whole country and all hostile troops withdrawn from the United States. That bill, I am informed, is annihilated and another projected. A copy of the new bill I am to receive to-morrow. I persevere in the same language, be the bill what it may, however suitable to the services of Great Britain, or speciously conducive to the mutual interests of Great Britain and America. I think there can not be, I hope there will not be permitted on our part, any intercourse until the troops are effectually removed.

Why is not the definitive treaty concluded, and the important "*then*" established, or why are not measures adopted for withdrawing the troops? Are the troops to be continued there *in terrorem*, to force a trade, or to compel us to measures respecting the people called loyalists? The late first lord of the treasury has not failed to boast of his success in obtaining the provisional treaty without the participation or the concurrence of the court of France, nor to talk of the happy effects which he hoped to derive from so great an advantage. I have endeavored to counteract his lordship's virtuous designs by observing that, admitting the fact, which I did not admit, the consequence might be disgraceful, possibly fatal, to the American ministers, but could work no injury to the United States. This appears at present to have the effect I wished for. Had his lordship, who I believe is very angry with us, continued in office, I know not what evils might have attended us. To his influence I ascribe the delay of the definitive treaty, and consequently of the removal of the troops.

I am not backward upon every proper occasion to signify my apprehensions to active members of Parliament and to every man in government with whom I converse upon these subjects. You will perceive, sir, that I find some employment here. Were I in France, I should be totally idle. I shall remain in London about a fortnight longer. If, at the end of that time, there shall be no better prospect of a definitive treaty, I shall immediately take measures for embarkation to America.

I am now to acknowledge the honor of your favor of the 8th of November, No. 2, and to thank you for the remittance of £16,666 13s. through your attention, by Mr. L. R. Morris.

I thank you, sir, most sincerely, for your kind condolence. I have not yet had resolution enough to inquire into the "cause and manner,"

nor dare I indulge myself in speaking of a subject which too much occupies my thoughts and distresses my mind in all the moments of retirement.

This will be delivered by Mr. John Deas, a young gentleman, native of South Carolina, educated in Britain, who means to become a citizen in his own country. I have every ground for hoping he will be a valuable member of the community; hence I have encouraged him to expect a cordial and hospitable reception. I should observe in Mr. Deas' favor, that he has been long endeavoring to return to America; he once embarked at Ostend, and suffered shipwreck on the coast of England, to his great loss and disappointment.

I have the honor to be, &c.,

HENRY LAURENS.

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Franklin to Vergennes.\*

PASSY, *March 16, 1783.*

SIR: I received the letter your excellency did me the honor of writing to me respecting the means of promoting the commerce between France and America. Not being myself well acquainted with the state of that commerce, I have endeavored, by conversation with some of our merchants, to obtain information. They complain in general of the embarrassments it suffers by the numerous internal demands of duties, searches, etc., that it is subjected to in this country. Whether these can be well removed, and the system changed, I will not presume to say. The enclosed letters may, however, inform your excellency of some of the circumstances, and probably Mr. Barclay, our consul, may furnish others. In general, I would only observe that commerce, consisting in a mutual exchange of the necessaries and conveniencies of life, the more free and unrestrained it is the more it flourishes, and the happier are all the nations concerned in it. Most of the restraints put upon it in different countries seem to have been the projects of particulars for their private interest, under pretence of public good. Your excellency has no doubt seen the bill now under consideration in the British Parliament respecting their trade with America, and will consider how far it may be practicable to give facilities to the future trade between America and your sugar islands, as well as with France, similar to those which seem now to be projected by England. I myself wish most earnestly that France may reap speedily those great advantages from the American commerce which she has so well merited by her generous aids in freeing it from its former monopoly, and everything in my power to promote that desirable end may be depended on.

With greatest respect, I am, sir, your excellency's most obedient and most humble servant,

B. FRANKLIN.

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\* 8 Bigelow's Franklin, 266.



Dana to J. Adams.\*

ST. PETERSBURG, *March 16, 1783.*

SIR: Yours of the 22d of February has come to hand this moment, and has given me much satisfaction. I always admired the noble and independent spirit of my friend, but I now see cause to admire it still more. You have conferred additional obligations upon, or, to express myself otherwise, you have rendered additional services to, your country by breaking to pieces chains forged to hold it in a state of subservieney to the interests of others. God and your country will approve the measure. But there is nothing gives me more real pleasure than your determination to return to America. I have only one request to make to you—that you will not decline a moment taking a seat in Congress after your arrival there. They want only proper information to lead them into proper measures. The turn of thinking there must be changed, and I know no man better calculated on every account to bring this about than yourself. I beseech you, therefore, never to decline such an occasion. By my last letter you will find my intention is, if not to accompany you, at least to follow you soon to America.

As to your advice to me, to communicate my mission to the minister of the Emperor and the ministers of all the other courts which have acceded to the armed neutrality, I think at present it is not advisable to make this communication on that occasion, for, first, I have no authority to make any *commercial* treaty with the Emperor; and as to that part of my commission which respects the armed neutrality or neutral confederation, I have long since, upon consideration, given it to Congress as my opinion, that America could not become a party in it or accede formally to the marine convention so long as she continued a belligerent power; and also, that that convention, from its terms and nature, was limited to the duration of the war. But, if I should be mistaken in this last point, I think it is not worth while for America *at this time* to pay near five thousand pounds sterling to the ministers of this court for the liberty of acceding to the marine convention; and if it were, I have not the money at my disposal. The communication, you are sensible, must be general to all the parties to that confederation, and of course to this court. To make the communication, which would amount to a proposition on my part to accede to the convention, and not to be able to do it for want of what I know is essential to the end, would be only to expose the honor of the United States without the prospect of any advantage. It is quite enough to pay five thousand pounds sterling for a treaty of commerce with this empire. I think it my duty, therefore, to keep the marine convention out of sight as long as possible, and to confine myself to the treaty of commerce into which I have adopted the leading principles of the marine convention, and shall endeavor to conclude both points in one treaty. If I fail in this,

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\* 8 J. Adams' Works, 51.

I must fail in both, and shall immediately quit this court. I must exercise my discretion in some things, and, as you have done, submit my conduct to the judgment of those whose right it is to decide upon it. If they furnish me not with the means they must not expect the accomplishment of my mission. I pray you to give me your advice upon these matters with the utmost freedom, and as soon as possible. Though I have ventured not to follow it in this particular case, yet I give you my reasons for not doing it that you may judge upon them, and I am not the less obliged to you for your advice.

I have not received an answer in form to my letter communicating my mission to the vice-chancellor, but only a verbal message in excuse of the delay for a time entirely past. I do not like this delay. The *immediate assurances* mentioned in my letter in which I informed you of this communication, came from a member of her majesty's private cabinet who sought an interview with me for that occasion. But I refer you to a passage in my last letter—"I am sick, &c." God send me speedily a happy deliverance from them.

Adieu, my dear sir, yours,

FRANCIS DANA.

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H. Laurens to Franklin.\*

LONDON, *March 17, 1783.*

SIR: I beg leave to refer to my letter of the 6th instant by the hands of Mr. Storer. To speak in the current style, government is still afloat. In the moment when it was thought an administration would be formed, the prospects of the coalition have been dashed. The K., it seems, has been the stipulator, insisted upon keeping the lord chancellor and introducing Lord Stormont, and his M. immediately went out of town. The Duke of Portland will not submit to receive materials into the foundation which may endanger the fabric. On one side chagrin, on the other sneering, is visible; on our part, we keep Lent. I can not hide from myself the mortification which I suffer. Not a step taken towards a definitive treaty and establishing the important "*then*." The bill, of which I sent my colleagues a copy by Mr. Storer, is annihilated, and another, called an amendment, introduced. A copy of this for their use you will receive. Under the present cover you will read my idea of its merit in three words interlined in the title. I am persuaded it will be torn to pieces to-day. I hold the language steadily: "Make what acts you please for opening commerce, however suitable to the purposes of Great Britain or speciously conducive to the mutual interests of Great Britain and the United States. I think there can not be, I hope there will not be, an intercourse permitted on our part until a definitive treaty is concluded and the British troops completely withdrawn from our territories."

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\* MSS. Dep. of State.

I lately saw in a Morning Chronicle a publication of Mr. Adams' first commission for making a treaty of commerce with Great Britain and of the revocation of that commission. I know but of one man in this kingdom capable of giving such intelligence. I wish he may not be possessed of more important documents. Shall I request you, sir, to inform me, if it be not improper, whether there is at this time a subsisting commission for entering into such a treaty?

Mr. Redford, the gentleman who will do me the honor of presenting this letter, will also deliver you "a state of facts," a recriminatory libel calculated for shewing there are other bad men besides the hero of "the defence of the Earl of Shelburne." Be it among you, blind harpers. My daughter has reproached me for having omitted in my last her best respects to Doctor Franklin and hearty thanks for his very polite attention to her while she was at Paris. The young lady and her brother join in the most respectful salutes to yourself and Mrs. Franklin, with, sir, your obliged, etc.,

HENRY LAURENS.

P. S.—I have packed up a few of the latest newspapers and put them into the hands of Mr. Redford for your use.

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Morris to the President of Congress.\*

OFFICE OF FINANCE, *March 17, 1783.*

SIR: I do myself the honor to enclose the copy of a letter of the 14th of December last from Dr. Franklin, and the translation of a letter of the 15th instant from the Chevalier de la Luzerne. These, together with the letter of the 23d of December from Dr. Franklin, of which I have already submitted a copy, will I trust claim the attention of the United States.

M. de la Luzerne did me the honor to make verbal communication of the Count de Vergennes' letters, from which, as well as from those of Dr. Franklin, and from other circumstances, I consider it as certain that we are to expect no further pecuniary aid from Europe. So late as on the 9th of December last, the loan in Holland had not amounted to eighteen hundred thousand florins, and after the deduction of the charges on it, there were not above seventeen hundred thousand at my disposal. From the month of June to the 9th of December this loan had not increased half a million of florins, so that the most sanguine expectations will not carry it beyond two millions out of the five for which it was opened.

Congress will recollect that on the 14th of September last they ordered a loan of four millions of dollars in Europe for the service of 1783, in addition to this loan, which Mr. Adams had opened in Holland. They

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\* MSS. Dep. of State; 6 Sparks' Dip. Rev. Corr., 595, with verbal changes.

will also recollect that I had anticipated upon those resources about three and a half millions of livres during the year 1782. And that this anticipation was over and above the sum of a million and a half of florins, which we then knew to have been borrowed in Holland. Allowing, therefore, for the supposed increase of half a million of florins or a million of livres, there will still remain of anticipation two and a half millions of livres; so that of the sum lent for this year by his most Christian majesty there will remain but three millions and a half of livres. According to the common course of exchange, this sum can not be expected to yield more than six hundred thousand dollars. Six hundred thousand dollars, therefore, with what the States will yield in taxes, form the whole of our expectations for the current year. From this is to be deducted one month's pay already promised to the army, amounting by estimate to upwards of two hundred and fifty thousand dollars.

To judge of our prospects for what remains, Congress will be pleased to observe that the subsistence of our officers is nearly twenty thousand dollars, that the rations issued in New York and New Jersey are about fifty thousand dollars, and that the rations of the southern army will probably amount to upwards of twelve thousand dollars. If to this be added the various detached corps, it will be found that the articles of rations and subsistence, exclusive of the prisoners, will form an amount of about ninety thousand dollars a month. My anticipations on the taxes are so well known that it is unnecessary to mention them any more than the other objects of forage, &c., which are indispensable. I have gone into these few details merely to elucidate one position, viz., *that all the money now at our command, and which we may expect from the States for this two months to come, will not do more than satisfy the various engagements which will by that time have fallen due.*

It is of importance that Congress should know their true situation, and therefore I could wish that a committee were appointed to confer with the minister of France. My reason for that wish is, that every member of Congress may have the same conviction which I feel of one important fact—*that there is no hope of any further pecuniary aid from Europe.* The conduct of the French court on the subject has been decisive. Some persons have indeed flattered themselves that her positive declarations were merely calculated to restrain our rashness and moderate our excess, but these ideas can no longer have place in any sound and discerning mind. Her conduct has been consistent with her declarations, and if she had ever so much inclination to assist us with money, *it is not in her power.*

But whatever may be the ability of nations or individuals, we can have no right to hope, much less to expect the aid of others, while we show so much unwillingness to help ourselves. It can no longer be a doubt to Congress *that our public credit is gone.* It was very easy to foresee that this would be the case, and it was my particular duty to

predict it. This has been done repeatedly. I claim no merit from the prediction, because a man must be naturally or wilfully blind who could not see *that credit can not long be supported without funds.*

From what has already been said, Congress will clearly perceive the necessity of further resources. What means they shall adopt it is their wisdom to consider. They can not borrow, and the States will not pay. *The thing has happened which was expected.* I can not presume to advise. Congress well know that I never pretended to any extraordinary knowledge of finance, and that my deficiencies on this subject were a principal reason for declining the office. I have since had reason to be still more convinced of my incompetency, because the plans which I did suggest have not met with approbation. I hope, therefore, that some abler mind will point out the means to save our country from ruin.

I do assure you, sir, that it is extremely painful to me to be obliged to address Congress on this subject. I wish most sincerely that I could look at our future prospects with the same indifference that others have brought themselves to regard them. Perhaps I am not sufficiently sanguine. It is common for age to listen more to the voice of experience than youth is inclined. The voice of experience foretold these evils long since. There was a time when we might have obviated them, but I fear that precious moment is passed.

Before I conclude this letter, I must observe on the misconstructions which men totally ignorant of our affairs have put on that conduct which severe necessity compelled me to pursue. Such men, affecting an intimate knowledge of things, have charged the destruction of public credit to me, and interpreted the terms of my resignation into reflections upon Congress. I hope, sir, that so long as I have the honor to serve the United States I shall feel a proper contempt for all such scurrility. I shall confidently repose myself on the candor of Congress. It is for them to judge of my conduct on full and intimate knowledge. Writers for a newspaper may, indeed, through the medium of misrepresentation, pervert the public opinion, but the official conduct of your servants is not amenable to that tribunal. I hope, however, to be excused for observing that, on the day in which I was publicly charged with ruining your credit, those despatches arrived from Europe which tell you it was already at an end. The circumstances which I alluded to in my letter of resignation were not yet known in Europe. It was not yet known that Rhode Island had unanimously refused to pass the impost law, and that Virginia had repealed it. The very delays which the measures of Congress had met with were sufficient to sap the foundations of their credit; and we now know that they have had that effect. When those circumstances, therefore, shall be known, it must be overturned. I saw this clearly, and I knew that, until some plain and rational system should be adopted and acceded to, the business of this office would be a business of expedient and chicane. I have neither the talents nor the disposition to engage in such business, and there-

fore I pray to be dismissed. I beg pardon, sir, for this slight digression. I shall trespass no longer on your patience than to assure you of the veneration and respect with which I have the honor to be, etc.,

ROBERT MORRIS.

To his Excellency General WASHINGTON.

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Hamilton to Washington.\*

PHILADELPHIA, *March 17, 1783.*

SIR: I am duly honored with your excellency's letters of the fourth and twelfth instant. It is much to be regretted, though not to be wondered at, that steps of so inflammatory a tendency have been taken in the Army. Your excellency has, in my opinion, acted wisely. The best way is, ever, not to attempt to stem a torrent, but to divert it.

I am happy to find you coincide in opinion with me on the conduct proper to be observed by yourself. I am persuaded more and more it is that which is most consistent with your own reputation and the public safety.

Our affairs wear a most serious aspect, as well foreign as domestic. Before this gets to hand your excellency will probably have seen the provisional articles between Great Britain and these States. It might at first appearance be concluded that these will be the prelude to a general peace; but there are strong reasons to doubt the truth of such a conclusion. Obstacles may arise from different quarters; from the demands of Spain and Holland; from the hope, in France, of greater acquisitions in the east; and, perhaps, still more probably, from the insincerity and duplicity of Lord Shelburne, whose politics, founded in the peculiarity of his situation as well as in the character of the man, may well be suspected of insidiousness. I am really apprehensive, if peace does not take place, that the negotiations will tend to sow distrust among the allies, and weaken the force of the common league. We have, I fear, men among us, and men in trust, who have a hankering after British connection. We have others whose confidence in France savors of credulity. The intrigues of the former and the incautiousness of the latter may be both, though in different degrees, injurious to the American interests and make it difficult for prudent men to steer a proper course.

There are delicate circumstances with respect to the late foreign transactions which I am not at liberty to reveal, but which, joined to our internal weaknesses, disorders, follies, and prejudices, make this country stand upon precarious ground.

Some use perhaps may be made of these ideas to induce moderation in the army. An opinion that their country does not stand upon a

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\* 1 Hamilton's Works (edited by his son), 345; 8 Lodge's Hamilton, 104.

secure footing will operate upon the patriotism of the officers against hazarding any domestic commotions.

When I make these observations I can not forbear adding that if no excesses take place I shall not be sorry that ill-humors have appeared. I shall not regret importunity, if temperate, from the army.

There are good intentions in the majority of Congress, but there is not sufficient wisdom or decision. There are dangerous prejudices in the particular States opposed to those measures which alone can give stability and prosperity to the Union.

There is a fatal opposition to continental views. Necessity alone can work a reform. But how produce that necessity, how apply it, and how keep it within salutary bounds? I fear we have been contending for a shadow.

The affairs of accounts I considered as having been put on a satisfactory footing. The particular States have been required to settle till the first of August, '80, and the superintendent of finance has been directed to take measures for settling since that period. I shall immediately see him on the subject.

We have had eight States and a half in favor of a commutation of the half pay for an average of ten years' purchase; that is five years' full pay instead of half pay for life, which, on a calculation of annuities, is nearly an equivalent. I hope this will now shortly take place.

We have made considerable progress in a plan to be recommended to the several States for funding all the public debts, including those of the army, which is certainly the only way to restore public credit and enable us to continue the war by borrowing abroad, if it should be necessary to continue it.

I omitted mentioning to your excellency that from European intelligence there is great reason to believe that at all events, peace or war, New York will be evacuated in the spring. It will be a pity if any domestic disturbances should change the plans of the British court.

I have the honor to be, with the greatest respect, your excellency's most ob't serv't,

A. HAMILTON.

P. S.—Your excellency mentions that it has been surmised the plan in agitation was formed in Philadelphia; that combinations have been talked of between the public creditors and the army, and that members of Congress had encouraged the idea. This is partly true. I have myself urged in Congress the propriety of uniting the influence of the public creditors and the army, as a part of them, to prevail upon the States to enter into their views. I have expressed the same sentiments out of doors.

Several other members of Congress have done the same. The meaning, however, of all this was simply that Congress should adopt such a plan as would embrace the relief of all the public creditors, including the army, in order that the personal influence of some, the connections

of others, and a sense of justice to the army, as well as the apprehension of ill consequences, might form a mass of influence in each State. As I mentioned to your excellency in a former letter, I thought the discontents of the army might be turned to a good account. I am still of opinion that their earnest but respectful applications for redress will have a good effect. As to any combination of force, it would only be productive of the horrors of a civil war, might end in the ruin of the country, and would certainly end in the ruin of the army.

A. H.

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Livingston to the President of Congress.\*

OFFICE OF FOREIGN AFFAIRS, *March 18, 1783.*

SIR: The important matter contained in the despatches lately received, renders me unwilling to reply to them without being well satisfied of the sentiments of Congress. But as the subjects on which I wish to be informed are of too delicate a nature to be rendered formal acts, I shall submit to them the drafts of my reply to the joint letter of your ministers, now at Paris. Previous to this, it will be necessary that Congress come to some express determination upon points which arise out of the treaty, and which, if they see in the same light that I do, they will consider as the most embarrassing as well as the most important that can claim their attention.

Congress have hitherto, in all their acts, both of a public and private nature, manifested the utmost confidence in the court of France. In answer to every communication they have reiterated their resolutions on that subject, and so lately as the 4th of October last, resolved unanimously, "that they will not enter into the discussion of any overtures of pacification but in *confidence* and in *concert* with his most Christian majesty;" and directed that a copy of the above resolution should not only be furnished to the minister of France, but be sent to all the ministers of the United States in Europe, and published to the world. Yet, sir, it has unfortunately so happened that the ministers of these States have imagined they had sufficient grounds to suspect the sincerity of the court of France, and have not only thought it prudent to agree upon and sign the preliminaries with Great Britain, without communicating them till after the signature to the ministers of his most Christian majesty, but have permitted a separate article to be inserted in their treaty, which they still conceal from the court of France.

This reduces Congress to the disagreeable necessity either of making themselves parties to this concealment, and thereby to contradict all their former professions of confidence in their ally, made not only to that ally but to their own citizens, and to every court at which they had a minister, or of revealing it at the expense of the confidence they

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\*MSS. Dep. of State; 6 Sparks' Dip. Rev. Corr., 223.



would wish to maintain between their ministers and the court of France and that too, when those ministers have obtained such terms from the court of London as does great honor to them, and at least equals our highest expectations.

I feel the more pain on this subject because, from the manner in which this treaty is drawn, as well as from the article itself, I am inclined to believe that England had no other view in its insertion but to be enabled to produce it as a mark of the confidence we reposed in them, and to detach us from our ally, if the nation could be brought to continue the war.

The preamble drawn by our ministers contained professions of attachment to the alliance, and declared that the treaty should not be obligatory till his Britannic majesty shall have agreed to accept the terms of a peace between France and Britain proposed or accepted by his most Christian majesty, and shall be ready to conclude *with him* such treaty. The preamble agreed to, and as there is reason to conclude framed in England, is so expressed as to render it very doubtful whether our treaty does not take place the moment France and England have agreed on the terms of their treaty, though France should refuse to sign till her allies were satisfied. This construction is strongly supported in the House of Commons by the administration.

The separate article is in itself an object of no moment; the territory it cedes is of little importance, and if, as our ministers assert, it made a part of West Florida previous to the war, it will, on the peace, be annexed to the nation that shall retain that colony; but it is extremely well calculated to sow the seeds of distrust and jealousy between the United States and their allies. It demonstrates a marked preference for the English over the present possessors, and seems to invite Britain to reconquer it. Though this may promote our particular interest, it never can consist with our honor to prefer an open enemy to a nation engaged in the same cause with us, and closely connected to our ally. This article would, in my opinion, if avowed by the United States, fully justify Spain in making a separate peace without the least regard to our interest.

But this, sir, is an inconsiderable evil compared to those which may result from its having been concealed from the court of Versailles. Mr. Laurens informs Congress (and that too from letters of a late date from London) "that the people of England still retain the idea of our *late colonies*, and of *reconciliation*; that government gives every possible encouragement to this humor; that it has been their incessant endeavor to detach us from our ally, and that it is given out in London that, *by signing the late preliminaries, they have out-manœuvred the court of France*; that every engine had been set at work; that every degree of craft under the mask of returning affection, will be practised for creating jealousies between the States and their good and great ally." Mr. Adams' letters of November speak the same language. If, sir, we suppose these

gentlemen to have been well informed, how much reason have we to apprehend that this secret article will prove in the hands of Britain a most dangerous engine. They may reveal to the court of France the jealousies our ministers entertain, the confidence they repose in them, with such falsehoods and additions as will best serve their purposes, and, by producing this secret article, gain credit for all they advance. This line they certainly pursued with respect to France, revealing all that they learnt from the Count de Vergennes relative to his opinion of the first commission; nor is there room to doubt that Marbois' letter was received through the same channel. And there is no reason to believe, if (as our ministers suppose) the court of France had put themselves more in their power, that they would neglect such promising means of increasing the suspicions our plenipotentiaries already entertained.

Add to this, that this article may be used in Parliament, and with the British nation at large, as a most powerful argument for continuing the war, adducing, from the resentment it discovers to Spain and the distrusts it manifests of France, that the quadruple knot is untied.

But suppose, what may possibly be the case, that the British administration are sincere, how is the honor and good faith of the United States to be justified to their allies and to the world if, by any of those causes which daily operate, this secret, which is now known to sixty or seventy people, should be discovered? To tell the world that we suspected France would not suffice, unless we can show probable grounds for such suspicion. Our ministers inform us that when they communicated the articles of the treaty to Count de Vergennes, "he appeared surprised but not displeased at their being so favorable to us." Mr. Laurens declares expressly "that he sees no cause for entertaining more particular jealousy than ought to be kept up against every negotiating court in the world, and not half so much as should at this moment be upon the watch against every motion arising from our new half friends."

I confess, sir, though my sentiments are of little moment, that I am fully of this opinion, and that I tremble lest we should at this hour be on the edge of a precipice, the more dangerous as we have fixed our eyes on the flattering prospect which lies beyond it. I am persuaded that the old maxim, "Honesty is the best policy," applies with as much force to States as to individuals. In that persuasion, I venture humbly to recommend that such measures be adopted as to manifest that repeated professions of fidelity to their engagements and confidence in their ally may not appear to have been made by Congress to mask deceit. The caution which negotiations require, and the light in which objects have appeared to our ministers, may justify them, and perhaps entitle them, to credit for attempting to serve us at every personal hazard.

But, sir, it certainly can not consist with the honor of these States,

upon such slight grounds, to contradict their own resolutions and forfeit the confidence of an ally to whom it has been so much indebted, and whose aid it is at this moment supplicating for the means of carrying on another campaign.

Under these impressions, I humbly submit these resolutions, namely:

That the Secretary of Foreign Affairs be directed to communicate the separate article in the provisional preliminary treaty with Great Britain to the minister of his most Christian majesty, in such manner as will best tend to remove any unfavorable impression it may make on the court of France of the sincerity of these States or their ministers.

That the ministers for negotiating be informed of this communication, and of the reasons which influenced Congress to make it. That they be instructed to agree that, in whatever hands West Florida may remain at the conclusion of the war, the United States will be satisfied that the line of northern boundary be as described in the said separate articles.

That it is the sense of the United States in Congress that the articles agreed upon between the ministers of these States and those of his Britannic majesty are not to take place until a peace shall have been actually signed between their most Christian and Britannic majesties.

Congress will easily believe that I offer these sentiments with the utmost diffidence; that I see many and powerful arguments that militate against them; that I feel extreme pain in advising a measure which may hurt the feelings of ministers to whom we are indebted for their continued zeal and assiduity, all of whom I respect, and with one of whom I have had the closest and most intimate friendship from our earliest youth. But, sir, it is a duty that my office requires; and I am happy in reflecting that this duty is discharged when I have proposed what I think right, and that the better judgment of Congress is to determine.\*

I have the honor to be, sir, &c.,

ROBERT R. LIVINGSTON.

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Madison to Edmund Randolph.†

PHILADELPHIA, *March 18, 1783.*

DEAR SIR: My letter, by express, communicated to you the outlines of the intelligence brought by Captain Barney from our ministers in Europe. The tediousness of the cipher does not permit me now to enter into detail. I can only add that, notwithstanding the flattering aspect of the preliminary articles, there are various circumstances which check our confidence in them, as there are some which will detract from our joy if they should be finally established.

To explain this, it must suffice to observe that the latest letters from

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\* See further remarks by Mr. Livingston on this subject in his letters of January 4, 1783, to Jay, *supra*, and March 25, 1783, to the Commissioners, *infra*.

†1 Madison Papers, 517.

our ministers express the greatest jealousy of Great Britain; and, secondly, that the situation of France between the interfering claims of Spain and the United States, to which may perhaps be added some particular views of her own, having carried her into a discountenance of our claims, the suspicions of our ministers on that side gave an opportunity to British address to decoy them into a degree of confidence which seems to leave their own reputations as well as the safety of their country at the mercy of Shelburne. In this business Jay has taken the lead, and has proceeded to a length of which you can form but little idea. Adams has followed with cordiality. Franklin has been dragged into it. Laurens, in his separate letter, professes a violent suspicion of Great Britain, and good will and confidence towards France. The dilemma to which Congress are reduced is infinitely perplexing. If they abet the proceedings of their ministers, all confidence with France is at an end, which, in the event of a renewal of the war, must be as dreadful as in that of peace it may be dishonorable. If they disavow the conduct of their ministers by their usual frankness of communication, the most serious inconveniences also present themselves. The torment of this dilemma can not be justly conveyed without a fuller recital of facts than is permitted. I wish you not to hazard even an interlined decipherment of those which I have deposited in your confidence.

Despatches were received yesterday from General Washington, which have revived and increased our apprehensions on that side. There seems to be reason to suspect that the intrigues of the civil creditors fan the discontents of the army. The conduct of Washington does equal honor to his prudence and to his virtue.

The state of our foreign affairs and of the army, combined with the difficulty and uncertainty of providing for justice and for our finances, and with the approaching exit of Morris, give a peculiar solemnity to the present moment. God send us a speedy and honorable deliverance from every danger. Pray hasten the new cipher which you have promised.

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**Madison's Report of Debates in Congress.\***

(For prior proceedings see March 12, 1783.)

**TUESDAY, March 18, 1783.**

A letter came in and was read from the Secretary of Foreign Affairs, stating the perplexing alternative to which Congress was reduced by the secret article relating to West Florida, either of dishonoring themselves by becoming a party to the concealment, or of wounding the feelings and destroying the influence of our ministers by disclosing the article to the French court, and proposing, as advisable, on the whole:

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\*1 Madison Papers, 387.

1. That he be authorized to communicate the article in question to the French minister in such manner as would best tend to remove the unfavorable impressions which might be made on the court of France as to the sincerity of Congress or their ministers.

2. That the said ministers be informed of this communication, and instructed to agree that the limit for West Florida, proposed in the separate article, be allowed to whatever power the said colony may be confirmed by a treaty of peace.

3. That it be declared to be the sense of Congress that the preliminary articles between the United States and Great Britain are not to take effect until peace shall be actually signed between the Kings of France and Great Britain.\*

*Ordered*, That to-morrow be assigned for the consideration of the said letter.

WEDNESDAY, *March 19.*

A letter was read from the superintendant of finance, enclosing letters from Dr. Franklin, accompanied with extracts from the Count de Vergennes relative to money affairs, the superintendent thereupon declaring roundly that our credit was at an end, and that no further pecuniary aids were to be expected from Europe. Mr. Rutledge denied these assertions, and expressed some indignation at them. Mr. Bland said that, as the superintendent was of this opinion, it would be absurd for him to be minister of finance, and moved that the committee on his motion for arranging the department might be instructed to report without loss of time. This motion was negatived, as censuring the committee; but it was understood to be the sense of Congress that they should report.

The order of the day, viz., the letter from the Secretary of Foreign Affairs, was taken up.

Mr. Wolcott conceived it unnecessary to waste time on the subject, as he presumed Congress would never so far censure the ministers who had obtained such terms for this country as to disavow their conduct.

Mr. Clark was decided against communicating the separate article, which would be sacrificing meritorious ministers, and would rather injure than relieve our national honor. He admitted that the separate article put an advantage into the hands of the enemy, but did not, on the whole, deem it of any great consequence. He thought Congress ought to go no further than to inform the ministers that they were sorry for the necessity which had led them into the part they had taken, and to leave them to get rid of the embarrassment as to the separate article in such way as they should judge best. This expedient would save Con-

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\*This was meant to guard against a construction that they were to take effect when peace should be agreed on by those powers and the latter be *ready* to sign, although the former should be restrained until the other parties should be ready for signing.

gress and spare our ministers, who might have been governed by reasons not known to Congress.

Mr. Mercer said that, not meaning to give offence anywhere, he should speak his sentiments freely. He gave it as his clear and decided opinion that the ministers had insulted Congress by sending them assertions without proof as reasons for violating their instructions and throwing themselves into the confidence of Great Britain. He observed that France, in order to make herself equal to the enemy, had been obliged to call for aid, and had drawn Spain, against her interest, into the war; that it was probable that she had entered into some specific engagements for that purpose; that hence might be deduced the perplexity of her situation, of which advantage had been taken by Great Britain—an advantage in which our ministers had concurred—for sowing jealousies between France and the United States, and of which further advantage would be taken to alienate the minds of the people of this country from their ally by presenting him as the obstacle to peace. The British court, he said, having gained this point, may easily frustrate the negotiation and renew the war against divided enemies. He approved of the conduct of the Count de Vergennes in promoting a treaty under the first commission to Oswald, as preferring the substance to the shadow, and proceeding from a desire of peace. The conduct of our ministers throughout, particularly in giving in writing everything called for by the British minister expressive of distrust of France, was a mixture of follies which had no example, was a tragedy to America, and a comedy to all the world beside. He felt inexpressible indignation at their meanly stooping, as it were, to lick the dust from the feet of a nation whose hands were still dyed with the blood of their fellow-citizens. He reprobated the chicane and low cunning which marked the journals transmitted to Congress, and contrasted them with the honesty and good faith which became all nations, and particularly an infant republic. They proved that America had at once all the follies of youth and all the vices of old age; thinks it would be necessary to recall our ministers; fears that France may be already acquainted with all the transactions of our ministers, even with the separate article, and may be only waiting the reception given to it by Congress to see how far the hopes of cutting off the right arm of Great Britain by supporting our Revolution may have been well founded; and, in case of our basely disappointing her, may league with our enemy for our destruction, and for a division of the spoils. He was aware of the risks to which such a league would expose France of finally losing her share, but supposed that the British islands might be made hostages for her security. He said America was too prone to depreciate political merit, and to suspect where there was no danger; that the honor of the King of France was dear to him; that he never would betray or injure us, unless he should be provoked and justified by treachery on our part. For the present he acquiesced in the prop-

osition of the Secretary of Foreign Affairs; but when the question should come to be put he should be for a much more decisive resolution.

Mr. Rutledge said he hoped the character of our ministers would not be affected, much less their recall produced, by declamations against them; and that facts would be ascertained and stated before any decision should be passed; that the Count de Vergennes had expressly declared to our ministers his desire that they might treat apart; alluded to and animadverted upon the instruction which submitted them to French councils; was of opinion that the separate article did not concern France, and therefore there was no necessity for communicating it to her; and that as to Spain, she deserved nothing at our hands; she had treated us in a manner that forfeited all claim to our good offices or our confidence. She had not, as had been supposed, entered into the present war as an ally to our ally for our support; but, as she herself had declared, as a principal, and on her own account. He said he was for adhering religiously to the spirit and letter of the treaty with France; that our ministers had done so, and, if recalled or censured for the part they had acted, he was sure no man of spirit would take their place. He concluded with moving that the letter from the Secretary of Foreign Affairs might be referred to a special committee, who might inquire into all the facts relative to the subject of it. Mr. Holten seconded the motion.

Mr. Williamson was opposed to harsh treatment of the ministers, who had shown great ability. He said they had not infringed the treaty, and as they had received the concurrence of the Count de Vergennes for treating apart, they had not in that respect violated their instructions. He proposed that Congress should express to the ministers their concern at the separate article, and leave them to get over the embarrassment as they should find best.

Mr. Mercer, in answer to Mr. Rutledge, said that his language with respect to the ministers was justified by their refusal to obey instructions; censured with great warmth the servile confidence of Mr. Jay, in particular, in the British ministers. He said the separate article was a reproach to our character; and that if Congress would not themselves disclose it he would disclose it to his constituents, who would disdain to be united with those who patronize such dishonorable proceedings. He was called to order by the President, who said that the article in question was under an injunction of secrecy, and he could not permit the order of the House to be trampled upon.

Mr. Lee (A. Lee) took notice that obligations in national affairs, as well as others, ought to be reciprocal, and he did not know that France had ever bound herself to like engagements as to concert of negotiation with those into which America had at different times been drawn. He thought it highly improper to censure ministers who had negotiated well; said that it was agreeable to practice, and necessary to the end proposed, for ministers in particular emergencies to swerve from strict

instructions. France, he said, wanted to sacrifice our interests to her own or those of Spain; that the French answer to the British memorial contained a passage which deserved attention on this subject. She answered the reproaches of perfidy contained in that memorial by observing that obligations being reciprocal, a breach on one side absolved the other. The Count de Vergennes, he was sure, was too much a master of negotiation not to approve the management of our ministers instead of condemning it. No man lamented more than he did any diminution of the confidence between this country and France; but if the misfortune should ensue, it could not be denied that it had originated with France, who had endeavored to sacrifice our territorial rights—those very rights which by the treaty she had guaranteed to us. He wished the preliminary articles had not been signed without the knowledge of France, but was persuaded that, in whatever light she might view it, she was too sensible of the necessity of our independence to her safety ever to abandon it. But let no censure fall on our ministers who had, upon the whole, done what was best. He introduced the instruction of the fifteenth of June, 1781; proclaimed it to be the greatest opprobrium and stain to this country which it had ever exposed itself to; and that it was, in his judgment, the true cause of that distrust and coldness which prevailed between our ministers and the French court, inasmuch as it could not be viewed by the former without irritation and disgust. He was not surprised that those who considered France as the patron rather than the ally of this country should be disposed to be obsequious to her; but he was not of that number.

Mr. Hamilton urged the propriety of proceeding with coolness and circumspection. He thought it proper, in order to form a right judgment of the conduct of our ministers, that the views of the French and British courts should be examined. He admitted it as not improbable that it had been the policy of France to procrastinate the definite acknowledgment of our independence on the part of Great Britain in order to keep us more knit to herself and until her own interests could be negotiated. The arguments, however, urged by our ministers on this subject, although strong, were not conclusive; as it was not certain that this policy, and not a desire of excluding obstacles to peace, had produced the opposition of the French court to our demands. Caution and vigilance, he thought, were justified by the appearance, and that alone. But compare this policy with that of Great Britain; survey the past cruelty and present duplicity of her councils; behold her watching every occasion and trying every project for dissolving the honorable ties which bind the United States to their ally, and then say on which side our resentments and jealousies ought to lie. With respect to the instructions submitting our ministers to the advice of France, he had disapproved it uniformly since it had come to his knowledge, but he had always judged it improper to repeal it. He disapproved highly of the conduct of our ministers in not showing the preliminary articles to our



ally before they signed them, and still more so of their agreeing to the separate article. This conduct gave an advantage to the enemy, which they would not fail to improve for the purpose of inspiring France with indignation and distrust of the United States. He did not apprehend (with Mr. Mercer) any danger of a coalition between France and Great Britain against America, but foresaw the destruction of mutual confidence between France and the United States, which would be likely to ensue, and the danger which would result from it, in case the war should be continued. He observed that Spain was an unwise nation, her policy narrow and jealous, her king old, her court divided, and the heir apparent notoriously attached to Great Britain. From these circumstances he inferred an apprehension that when Spain should come to know the part taken by America, with respect to her, a separate treaty of peace might be resorted to. He thought a middle course best with respect to our ministers, that they ought to be commended in general, but that the communication of the separate article ought to take place. He observed that our ministers were divided as to the policy of the court of France, but that they were all agreed in the necessity of being on the watch against Great Britain. He apprehended that if the ministers were to be recalled or reprehended that they would be disgusted and head and foment parties in this country. He observed, particularly with respect to Mr. Jay, that although he was a man of profound sagacity and pure integrity, yet he was of a suspicious temper, and that this trait might explain the extraordinary jealousies which he professed. He finally proposed that the ministers should be commended and the separate article communicated. This motion was seconded by Mr. Osgood, as compared, however, with the proposition of the Secretary for Foreign Affairs, and so far only as to be referred to a committee.

Mr. Peters favored a moderate course as most advisable. He thought it necessary that the separate article should be communicated, but that it would be less painful to the feelings of the ministers if the doing it was left to themselves; and was also in favor of giving the territory annexed by the separate article to West Florida to such power as might be vested with that colony in the treaty of peace.

Mr. Bland said he was glad that every one seemed at length to be struck with the impropriety of the instruction submitting our ministers to the advice of the French court. He represented it as the cause of all our difficulties, and moved that it might be referred to the committee, with the several propositions which had been made. Mr. Lee seconded the motion.

Mr. Wilson objected to Mr. Bland's motion as not being in order. When moved in order, perhaps he might not oppose the substance of it. He said he had never seen nor heard of the instruction it referred to until this morning, and that it had really astonished him; that this country ought to maintain an upright posture between all nations.

But however objectionable this step might have been in Congress, the magnanimity of our ally in declining to obtrude his advice on our ministers ought to have been a fresh motive to their confidence and respect. Although they deserved commendation in general for their services, in this respect they do not. He was of opinion that the spirit of the treaty with France forbade the signing of the preliminary articles without her consent, and that the separate article ought to be disclosed; but as the merits of our ministers entitled them to the mildest and most delicate mode in which it could be done, he wished the communication to be left to themselves, as they would be the best judges of the explanation which ought to be made for the concealment, and their feelings would be less wounded than if it were made without their intervention. He observed that the separate article was not important in itself, and became so only by the mysterious silence in which it was wrapt up. A candid and open declaration from our ministers of the circumstances under which they acted, and the necessity produced by them of pursuing the course marked out by the interest of their country, would have been satisfactory to our ally, would have saved their own honor, and would not have endangered the objects for which they were negotiating.

Mr. Higginson contended that the facts stated by our ministers justified the part they had taken.

Mr. Madison expressed his surprise at the attempts made to fix the blame of all our embarrassments on the instruction of June the fifteenth, 1781, when it appeared that no use had been made of the power given by it to the court of France; that our ministers had construed it in such a way as to leave them at full liberty, and that no one in Congress pretended to blame them on that account. For himself, he was persuaded that their construction was just, the advice of France having been made a guide to them only in cases where the question respected the concessions of the United States to Great Britain necessary and proper for obtaining peace and an acknowledgment of independence, not where it respected concessions to other powers, and for other purposes. He reminded Congress of the change which had taken place in our affairs since that instruction was passed, and remarked the probability that many who were now perhaps the loudest in disclaiming would, under the circumstances of that period, have been the foremost to adopt it.\* He admitted that the change of circumstances had rendered it inapplicable, but thought that an express repeal of it might, at this crisis at least, have a bad effect. The instructions, he observed, for disregarding which our ministers had been blamed, and which, if obeyed, would have prevented the dilemma now felt, were those which required them to act in concert and in confidence with our ally; and these in-

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\*The committee who reported the instruction were Mr. Carroll, Mr. Jones, Mr. Witherspoon, Mr. Sullivan, and Mr. Mathews. Mr. Witherspoon was particularly prominent throughout.

structions, he said, had been repeatedly confirmed in every stage of the Revolution by unanimous votes of Congress, several of the gentlemen present,\* who now justified our ministers, having concurred in them, and one of them† having penned two of the acts, in one of which Congress went further than they had done in any preceding act, by declaring that they would not make peace until the interests of our allies and friends as well as of the United States should be provided for.

As to the propriety of communicating to our ally the separate article, he thought it resulted clearly from consideration both of national honor and national security. He said that Congress having repeatedly assured their ally that they would take no step in a negotiation but in concert and in confidence with him, and having even published to the world solemn declarations to the same effect, would, if they abetted this concealment of their ministers, be considered by all nations as devoid of all constancy and good faith; unless a breach of these assurances and declarations could be justified by an absolute necessity, or some perfidy on the part of France; that it was manifest no such necessity could be pleaded; and as to perfidy on the part of France, nothing but suspicions and equivocal circumstances had been quoted in evidence of it, and even in these it appeared that our ministers were divided; that the embarrassment in which France was placed by the interfering claims of Spain with the United States must have been foreseen by our ministers, and that the impartial public would expect that, instead of co-operating with Great Britain in taking advantage of this embarrassment, they ought to have made every allowance and given every facility to it consistent with a regard to the rights of their constituents; that, admitting every fact alleged by our ministers to be true, it could by no means be inferred that the opposition made by France to our claims was the effect of any hostile or ambitious designs against them, or of any other design than that of reconciling them with those of Spain; that the hostile aspect which the separate article, as well as the concealment of it, bore to Spain, would be regarded by the impartial world as a dishonorable alliance with our enemies against the interests of our friends; but notwithstanding the disappointments and even indignities which the United States had received from Spain, it could neither be denied nor concealed that the former had derived many substantial advantages from her taking part in the war, and had even obtained some pecuniary aids; that the United States had made professions corresponding with those obligations; that they had testified the important light in which they considered the support resulting to their cause from the arms of Spain, by the importunity with which they had courted her alliance, by the concessions with which they had offered to purchase it,

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\* Messrs. Bland, Lee, and Rutledge.

† Mr. Rutledge, who framed in the committee the first draft of the declaration made in September last and the instruction about the same time. This was considerably altered, but not in that respect.

and by the anxiety which they expressed at every appearance of her separate negotiations for a peace with the common enemy.

That our national safety would be endangered by Congress making themselves a party to the concealment of the separate article he thought could be questioned by no one. No definitive treaty of peace, he observed, had as yet taken place; the important articles between some of the belligerent parties had not even been adjusted; our insidious enemy was evidently laboring to sow dissensions among them; the incaution of our ministers had but too much facilitated them between the United States and France; a renewal of war therefore, in some form or other, was still to be apprehended; and what would be our situation if France and Spain had no confidence in us, and what confidence could they have if we did not disclaim the policy which had been followed by our ministers?

He took notice of the intimation given by the British minister to Mr. Adams of an intended expedition from New York against West Florida as a proof of the illicit confidence into which our ministers had been drawn, and urged the indispensable duty of Congress to communicate it to those concerned in it. He hoped that if a committee should be appointed (for which, however, he saw no necessity) that this would be included in their report, and that their report would be made with as little delay as possible.

In the event, the letter from the Secretary of Foreign Affairs, with all the despatches, and the several propositions which had been made, were committed to Mr. Wilson, Mr. Gorham, Mr. Rutledge, Mr. Clark, and Mr. Hamilton.

(See *infra*, March 22, 1783.)

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Luzerne to Livingston.\*

[Translation.]

PHILADELPHIA, March 18, 1783.

SIR: I have the honor of sending you a copy of a letter which I have written to Mr. Robert Morris. I shall soon have the honor of communicating to you some news which I have just received from France by the packet-boat *Washington*.

I have the honor to be, &c.,

LUZERNE.

## Livingston's Circular to the Governors of the States.\*

PHILADELPHIA, *March 18, 1783.*

SIR: Congress a few days since directed me to transmit to your excellency a copy of the provisional treaty for a peace between the United States and Great Britain. I should have done it at an earlier day without any particular direction had not an order passed in Congress for furnishing the delegates of each State with a copy, that it might be transmitted through them. In conformity to the second direction I have the honor to enclose a copy, though I have no doubt that I have been already anticipated by that forwarded by the delegates of your State. Yet, sir, this letter may not be entirely useless when it assures you that the conclusion of the treaty is still very uncertain. My public letters are of such a nature as not to free me from apprehensions that Britain still seeks rather to divide her enemies than to be reconciled to them. Though this suspicion may not perhaps be well founded, yet such conduct is so conformable to the general tenor of British councils [to the character of the King and his first minister],† that it is at least the part of prudence to be upon our guard against it. But whatever their intentions may be, the peace must still depend upon so many contingencies that no preparation for another campaign should be omitted on our part. None is neglected by our antagonists. They have voted one hundred and ten thousand seamen for the ensuing year. France continues her preparations, and will not close the war till she can obtain honorable terms for her allies. Little progress was made in their negociations when my letters were written. Count de Vergennes has thought it prudent to advise Congress of this circumstance, that they might be prepared for every event. I communicate it to your excellency with similar views. I doubt not you will avail yourself of this information to urge the State in which you preside to take such measures that they may not be found unprovided in case our hopes of peace should be frustrated.

It would give me pleasure to learn the measures that have been adopted, in consequence of the requisitions made in my letters to your excellency or your predecessors in office at different periods relative to my department, and more particularly to receive the account so frequently called for of the damage done by the enemy in your State.‡ I have reason to think, had it been furnished in time, it might have been of singular use to our ministers, and perhaps have tended to obtain some relief for the sufferers. It may not yet come too late to be useful. Let me pray your excellency to take measures for furnishing three authentic copies by the earliest opportunity.

I have the honor to be, &c.,

ROBERT R. LIVINGSTON.

\* MSS. Dep. of State; 6 Sparks' Dip. Rev. Corr., 227, with changes and omissions.

† Passage in brackets omitted in Sparks' edition.

‡ Proper alterations were made to this paragraph in the letter to the governor of Connecticut, as he had already sent the accounts herein mentioned.—SPARKS.

## Washington to Luzerne.\*

HEADQUARTERS, *March 19, 1783.*

SIR: I am exceedingly obliged to your excellency for your communication of the 15th. The articles of the treaty between America and Great Britain, as they stand in connexion with a general pacification, are so very inconclusive that I am fully in sentiment with your excellency that we should hold ourselves in a hostile position, prepared for either alternative, peace or war.

I shall confer with the Duc de la Lauzun on the objects you are pleased to mention; and as I have ever viewed the practice of the States in supplying the enemy in New York with the means of subsistence as a very pernicious one in its tendency, both to ourselves and to our allies, you may depend upon me to exert every measure in my power to prevent it.

I am at all times happy in receiving any intelligence from your excellency, and should it be in your power to announce a general peace, you can not make a more pleasing communication to me.

Persuaded of the pure and benevolent intentions which animate the breast of his most Christian majesty, I am assured, if that happy event should not result from the present negociations, that the failure will not rest on his part.

I have the honor to be, &c.,

GEORGE WASHINGTON.

## Dana to Livingston.†

No. 22.

ST. PETERSBURGH, *March 21, 1783.*

SIR: As I have not received an answer to my letter to the vice-chancellor, I can say nothing upon it at present. The verbal message mentioned in my last was an apology for the omission of the first week. Perhaps I shall have an answer in a few days; if so, I shall transmit a copy of it immediately.

I beg leave again to recommend to your attention the subject of a commerce with the British West Indies to supply the defects of our treaties with France and with Holland. Great Britain is so eager to obtain a free commerce with the United States that we may probably secure that of her West India Islands as a compensation for it. The commerce with her European territories only is no longer an adequate one, since we have all the rest of Europe open to us. I have formed a plan of a commercial treaty with this empire, which, if aided by that circuitous commerce, I think will be found highly advantageous.

\* MSS. Dep. of State; 6 Sparks' Dip. Rev. Corr., 116.

† MSS. Dep. of State; 4 Sparks' Dip. Rev. Corr., 675.

I have already advised you of my intention to quit this court as soon as I shall have concluded the commercial treaty, even without waiting for this permission of Congress to do so. I pray you to represent the matter to Congress in such a light that they may not consider it as disrespectful to themselves or a breach of duty. It is truly, sir, an act of absolute necessity, which Congress, doubtless without intention, have imposed upon me, by annexing an appointment to my office, which is not more than half sufficient to defray the expenses of it. As I can now do it with more freedom, not being interested in the matter, I take the liberty to acquaint you that if Congress should think proper to send another minister to this court, of the second class, it will be indispensably necessary they should grant him at least £2,500 sterling fixed appointment. I think £3,000 will not be too much, or more than put him upon an equality with their other ministers in Europe, or the ministers of the lesser sovereigns at this court, leaving him to pay his secretary out of the last sum. It will be further necessary to grant him at least £1,000 more for his equipage and household furniture. He will find it exceedingly difficult, with the best economy, to provide himself but decently with those articles, according to the fashion of this country, with that sum. And he must, in some measure, adapt himself to this fashion or manner of living, or, in the eyes of those among whom he is obliged to live, disgrace his country.

My ideas of these matters are not extravagant. I find them fully supported by my own observations and by the inquiries I have made respecting the appointments of the other foreign ministers residing at this court, as well as by the opinion of my correspondent, to whom, feeling the necessity of my situation, I have communicated my intention of returning to America, and disclosed to him the reasons of a conduct which he might otherwise think unaccountable. I have consulted him as a private friend only. An ill state of health, the distance of America, the dangers of a winter passage, &c., &c., must be the ostensible reasons why I quit this court without being relieved by another minister or waiting for the permission of Congress. I shall take the whole upon myself, and hope to be justified in the measure by Congress when they shall be still more particularly informed of facts. It is necessary Congress should be acquainted with the foregoing facts, that if they should think proper to send another minister here before my arrival in America he may not be obliged to follow the example I shall have set him by quitting his station without leave.

I am, sir, with the greatest respect, &c.,

FRANCIS DANA.

Livingston to the President of Congress.\*

OFFICE OF FOREIGN AFFAIRS,  
Philadelphia, March 21, 1783.

SIR: I enclose for the inspection of Congress a letter received by the *Washington* from Mr. Barclay. I take this opportunity to remind Congress that I had the honor of laying before them, on the 23d day of December, a letter from the same gentleman, which contained objections to the convention for the appointment of consuls proposed to be entered into between France and the United States, reasons for sending him a new commission constituting him consul-general in France, with Count de Vergennes' objection to the one he now holds; also a request of blank commissions for privateers and letters of marque. This letter was committed to a special committee. I have not yet been informed whether they have reported, nor have I been honored with the commands of Congress relative to these objects.

I have the honor to be, &c.,

ROBERT R. LIVINGSTON.

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Madison's Report of Debates in Congress.†

(For prior proceedings see *supra*, March 18, 1783 ff.)

SATURDAY, March 22, 1783.

The committee, to whom was referred the letter from the Secretary of Foreign Affairs, with the foreign despatches, &c., reported—

1. That our ministers be thanked for their zeal and services in negotiating the preliminary articles.

2. That they be instructed to make a communication of the separate article to the court of France, in such way as would best get over the concealment.

3. That the Secretary of Foreign Affairs inform them that it is the wish of Congress that preliminary articles had been communicated to the court of France before they had been executed.

Mr. Dyer said he was opposed to the whole report; that he fully approved of every step taken by our ministers, as well towards Great Britain as towards France; that the separate article did not concern the interests of France, and therefore could not involve the good faith of the United States.

Mr. Lee fully agreed with Mr. Dyer; said that the special report of facts ought to have been made necessary for enabling Congress to form a just opinion of the conduct of the ministers, and moved that the report might be recommitted. Mr. Wolcott seconded the motion, which was evidently made for the sole purpose of delay. It was opposed by

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\* MSS. Dep. of State; 6 Sparks' Dip. Rev. Corr., 228.

† 1 Madison Papers, 405.



Mr. Clark, Mr. Wilson, and Mr. Gorham, the first and last of whom had, however, no objection to postponing; by Mr. Mercer, who repeated his abhorrence of the confidence shown by our ministers to those of Great Britain; said that it was about to realize the case of those who kicked down the ladder by which they had been elevated, and of the viper which was ready to destroy the family of the man in whose bosom it had been restored to life. He observed that it was unwise to prefer Great Britain to Spain as our neighbor in West Florida.

Mr. Higginson supported the sentiments of Mr. Lee; said that the Count de Vergennes had released our ministers, and that he agreed with those who thought the instruction of June the fifteenth could relate only to questions directly between Great Britain and the United States.

Mr. Holton thought there was no sufficient evidence for praise or blame; and that both ought to be suspended until the true reasons should be stated by the ministers. He supposed that the separate article had been made an *ultimatum* of the preliminaries of Great Britain, and that there might also be secret articles between Great Britain and France. If the latter were displeased he conceived that she would officially notify it. Mr. Rutledge was against recommitting, but for postponing. The motion for recommitting was disagreed to, but several States being for postponing, the vote was no index as to the main question.

It had been talked of among sundry members as very singular that the British minister should have confided to Mr. Adams an intended expedition from New York against West Florida, as very reprehensible in the latter to become the depository of secrets hostile to the friends of his country, and that every motive of honor and prudence made it the duty of Congress to impart the matter to the Spaniards. To this effect a motion was made by Mr. Mercer, seconded by Mr. Madison. But it being near the usual hour of adjournment, the House being agitated by the debates on the separate article, and a large proportion of members predetermined against every measure which seemed in any manner to blame the ministers, and the eastern delegates in general extremely jealous of the honor of Mr. Adams, an adjournment was pressed and carried without any vote on the motion.

(See *infra*, March 24, 1783.)

Minutes of a Verbal Communication from Luzerne, Minister of France.\*

OFFICE OF FOREIGN AFFAIRS, March 22, 1783.

The minister of France, waiting upon Mr. Livingston at twelve o'clock, agreeable to appointment, communicated to him a letter from the Count de Vergennes, dated the 19th of November.

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\* MSS. Dep. of State; 6 Sparks' Dip. Rev. Corr., 116, with verbal changes.

This was wholly confined to matters of finance, and contained in substance nothing more than Congress have already seen in the letter written by the minister of France to Mr. Morris. He then read to Mr. Livingston a letter of the 22d of November, which related to the satisfaction the King, his master, had received in the testimony the United States had given of their friendship in presenting to him the ship *America*. The substance of this letter is contained in the note sent to Congress the 20th instant.

The minister also read to Mr. Livingston a letter of the 19th of December from the Count de Vergennes, in which he informs him that their treaty was not so forward as that of the Americans. Though if his majesty had wished it he could have signed before the American plenipotentiaries, as no essential difference existed between France and Great Britain. But that the King's delicacy induced him to wish that all his allies should be first satisfied, and he had accordingly resolved to continue the war, whatever advantages might be offered him, if Great Britain should bear hard upon any of them. That it still remained to reconcile the interest of Spain and those of Holland. That he had reason to believe with relation to the first that they would soon be fully settled. That the foundation was already laid and that nothing now remained but to settle forms. That he was of opinion that it was for the interest of the United States to facilitate a connection with this power, which will be their neighbor.

That it would become the wisdom of Congress to discover moderation with respect to them. That he is persuaded England will see with pleasure divisions introduced between the United States and the court of Madrid, and that it is probable that they will even endeavor to animate them one against the other. That British emissaries have been employed to inspire Spain with apprehensions as to the ambitious views of America. But they will now avail themselves of their intimacy with the American ministers to render them suspicious of Spain, and even to excite their resentments against her. Congress will defeat this design by removing the difficulties which now oppose themselves to a union with his Catholic majesty. That the King wishes so much to see his allies enjoy a solid and durable peace, that in exciting the Americans on one side to discover a more conciliatory spirit, he will spare nothing on the other to remove the difficulties which may be raised by the court of Spain. That he apprehends delays and embarrassments from Holland. That the British administration appear very unfavorable to them.

The minister of France then read to Mr. Livingston another letter from the Count de Vergennes of the 20th of December, 1782, which contained in substance that peace was not yet concluded, though it was anxiously desired by the King. That his majesty's obligations to his allies had not yet permitted him to pronounce with certainty as to the termination of the war. That, expecting peace, prudence required

that the allies should act as if the war was to continue. That Congress will judge of the manner in which they can most effectually contribute to distress the common enemy. That in the present state of things it would not be prudent to invite the Americans to form any direct enterprise against the common enemy. That the provisional articles would, when executed at the general peace, put New York into the hands of the Americans, and that Congress could judge better than they could what part it would be expedient for them to take in the then state of things. That, proposing nothing, they leave everything to their discretion. That the minister should, however, inform them that he could not yet determine whether they were at the eve of a peace or if another campaign must be opened. That in the latter case there were two essential objects on which the minister of France should impart to Congress the opinion of his court and the desires of his majesty.

That though if their towns were evacuated the Americans could not take an active part, yet they can compel the enemy to wish for peace by excluding them from all connexion with them and prohibiting under very severe penalties the consumption or importation of British manufactures. That a considerable party among the British wish to form commercial connexion with the United States. That when they shall be convinced that they can reap no benefit therefrom, but by a solid definitive peace conformable to the treaty agreed upon, they will become more tractable and conclude the definitive treaty, which will give force and vigor to the provisional articles and set the seal to the independence of America. That it would also be proper to state to Congress the necessity of providing means to prevent the sending provisions into New York, by which the British armaments are amply supplied with fresh provisions of every kind.

That the King persuades himself that the legislatures of the respective States will concur in measures for this salutary purpose when they shall be informed of the injury occasioned to their ally by the want of the necessary precautions on this subject. That these precautions will not be unnecessary if the enemy are about to abandon New York, without which the enemy will carry with them the means of supplying the places to which they transport their troops.

That he persuades himself that Congress will perceive that they are indebted to the harmony that has subsisted between the King and them for the present happy state of their affairs. But that nothing being yet concluded the present moment is precisely that in which it is of most importance to preserve the same system.

ROBERT R. LIVINGSTON.

Franklin to Hartley.\*

PASSY, *March 23, 1782.*

DEAR SIR: I received the letter you did me the honor of writing to me, requesting a recommendation to America of Mr. Joshua Grigby. I have accordingly written one, and having an opportunity the other day, I sent it under cover to Mr. Benjamin Vaughan. The general proclamations you wished for, suspending, or rather putting an end to hostilities, are now published; so that your "heart is at rest," and mine with it. You may depend upon my joining my hearty endeavors with yours, in "cultivating conciliatory principles between our two countries;" and I may venture to assure you, that if your bill for a provisional establishment of the commerce had passed as at first proposed, a stipulation on our part in the definitive treaty to allow reciprocal and equal advantages and privileges to your subjects would have been readily agreed to.

With great and sincere esteem, I am, ever, &c.,

B. FRANKLIN.

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Madison's Report of Debates in Congress.†

(For prior proceedings see *supra*, March 22, 1783.)

MONDAY, *March 24, 1783.*

On the day preceding this, intelligence arrived, which was this day laid before Congress, that the preliminaries for a general peace had been signed on the twentieth of January. This intelligence was brought by a French cutter from Cadiz, despatched by Count d'Estaing to notify the event to all vessels at sea, and engaged by the zeal of the Marquis de la Fayette to convey it to Congress. This confirmation of peace produced the greater joy, as the preceding delay, the cautions of Mr. Laurens' letter of the twenty-fourth of December, and the general suspicions of Lord Shelburne's sincerity had rendered an immediate and general peace extremely problematical in the minds of many.

A letter was received from General Carleton through General Washington, enclosing a copy of the preliminary articles between Great Britain and the United States, with the separate article annexed.

Mr. Carroll, after taking notice of the embarrassment under which Congress was placed by the injunction of secrecy as to the separate article after it had probably been disclosed in Europe and, it now appeared, was known at New York, called the attention of Congress again to that subject.

Mr. Wolcott still contended that it would be premature to take any

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\* 2 Sparks' Dip. Rev. Corr., 424; 8 Bigelow's Franklin, 272.

† 1 Madison Papers, 407.

step relative to it until further communications should be received from our ministers.

Mr. Gilman, being of the same opinion, moved that the business be postponed. Mr. Lee seconded the motion.

Mr. Wilson conceived it indispensably necessary that something should be done; that Congress deceived themselves if they supposed that the separate article was any secret at New York after it had been announced to them from Sir Guy Carleton. He professed a high respect for the character of the ministers, which had received fresh honor from the remarkable steadiness and great abilities displayed in the negotiations, but that their conduct with respect to the separate article could not be justified. He did not consider it as any violation of the instructions of June the fifteenth, 1781, the Count de Vergennes having happily released them from the obligation of it. But he considered it, with the signing of the preliminaries secretly, as a violation of the spirit of the treaty of alliance as well as of the unanimous professions of the court of France, unanimous instructions to our ministers, and unanimous declarations to the world that nothing should be discussed towards peace but in confidence and in concert with our ally. He made great allowance for the ministers; saw how they were affected and the reasons of it; but could not subscribe to the opinion that Congress ought to pass over the separate article in the manner that had been urged; Congress ought, he said, to disapprove of it in the softest terms that could be devised, and, at all events, not to take part in its concealment.

Mr. Bland treated the separate article with levity and ridicule, as in no respect concerning France, but Spain, with whom we had nothing to do.

Mr. Carroll thought that, unless something expressive of our disapprobation of the article and of its concealment was done, that it would be an indelible stain on our character.

Mr. Clark contended that it was still improper to take any step, either for communicating officially, or for taking off the injunction of secrecy; that the article concerned Spain and not France; but that if it should be communicated to the latter she would hold herself bound to communicate it to the former; that hence an embarrassment might ensue; that it was probably this consideration which led the minister to the concealment, and he thought they had acted right. He described the awkwardness attending a communication of it under present circumstances, remarking, finally, that nothing had been done contrary to the treaty, and that we were in possession of sufficient materials to justify the suspicions which had been manifested.

Mr. Rutledge was strenuous for postponing the subject; said that Congress had no occasion to meddle with it; that the ministers had done right; that they had maintained the honor of the United States after Congress had given it up; that the manœuvre practised by the

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\* Alluding probably to the intercepted letter from M. de Marbois.

was common in all courts, and was justifiable against Spain, who alone was affected by it; that instructions ought to be disregarded whenever the public good required it, and that he himself would never be bound by them when he thought them improper.

Mr. Mercer combated the dangerous tendency of the doctrine maintained by Mr. Rutledge with regard to instructions, and observed that the delegates of Virginia having been unanimously instructed not to conclude or discuss any treaty of peace but in confidence, and in concert with his most Christian majesty, he conceived himself as much bound, as he was of himself inclined, to disapprove every other mode of proceeding; and that he should call for the yeas and nays on the question for his justification to his constituents.

Mr. Bland tartly said that he, of course, was instructed as well as his colleague, and should himself require the yeas and nays to justify an opposite conduct; that the instructions from his constituents went no further than to prohibit any *treaty* without the concurrence of our ally,\* which prohibition had not been violated in the case before Congress.

Mr. Lee was for postponing and burying in oblivion the whole transaction; he said that delicacy to France required this, since if any thing should be done implying censure on our ministers, it must and ought to be done in such a way as to fall ultimately on France, whose unfaithful conduct had produced and justified that of our ministers. In all national intercourse, he said, a reciprocity was to be understood, and as France had not communicated her views and proceedings to the American plenipotentiaries the latter were not bound to communicate theirs. All instructions he conceived to be conditional in favor of the public good; and he cited the case mentioned by Sir William Temple, in which the Dutch ministers concluded, of themselves, an act which required the previous sanction of all the members of the Republic.

Mr. Hamilton said that whilst he despised the man who would enslave himself to the policy even of our friends, he could not but lament the overweening readiness which appeared in many to suspect everything on that side, and to throw themselves into the bosom of our enemies. He urged the necessity of vindicating our public honor by renouncing that concealment to which it was the wish of so many to make us parties.

Mr. Wilson, in answer to Mr. Lee, observed that the case mentioned by Sir William Temple was utterly inapplicable to the case in question; adding that the conduct of France had not, on the principle of reciprocity, justified our ministers in signing the provisional preliminaries without her knowledge, no such step having been taken on her part. But whilst he found it his duty thus to note the faults of these gentlemen, he with much greater pleasure gave them praise for their firmness in refusing to treat with the British negotiator until he had procured a

\* This construction of the instructions was palpably wrong. Note to 1 Madison Papers, 411.

proper commission, in contending for the fisheries and in adhering to our western claims.

Congress adjourned without any question.

(See further *infra* March 26, 1783.)

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Franklin to Vergennes.\*

PASSY, *March 24, 1783.*

SIR: I am desirous of printing a translation of the Constitution of the United States of America published at Philadelphia in 1781 by order of Congress. Several of these constitutions have already appeared in the English and American newspapers; others have appeared elsewhere, but there never has yet been a complete translation of them. That of which I have the honor to speak to your excellency, being an octavo volume, contains the different constitutions of the United States, their treaty with France, and no foreign matter. I have made arrangements for this purpose with M. Pierres, who is ready to commence the impression, and I hope your excellency will give your

M. Pierres will need a permit from the Keeper of the Seals for printing and selling this work after having furnished me with the number of copies agreed upon. As I strongly desire that this translation may appear at an early day, I shall feel under great obligations to your excellency if you will have the goodness to request the Keeper of the Seals to send the order without delay, and should the formalities required for the purpose demand any considerable time to request him to authorize by letter M. Pierres to proceed with the work.

I have the honor to be, &c.,

B. FRANKLIN.

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Livingston to Rear-Admiral Digby.†

OFFICE OF FOREIGN AFFAIRS,  
*Philadelphia, March 24, 1783.*

SIR: I have the honor to enclose for your perusal the copy of a letter which I have just written to his excellency General Carleton. If the subject of it should relate more to you than to his department, I am satisfied that you will find equal pleasure in adopting such measures as humanity dictates, and mutually concur with the United States in Congress in the best means of extending as early as possible the blessings of peace to the subjects or citizens of the nations at war.

I have the honor to be, &c.,

ROBERT R. LIVINGSTON.

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\* 9 Sparks' Franklin, 503; 8 Bigelow's Franklin, 274.

† MSS. Dep. of State; 6 Sparks' Dip. Rev. Corr., 230, with verbal changes.

MARCH 24, 1783.

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Livingston to Sir Guy Carleton.\*

OFFICE OF FOREIGN AFFAIRS,  
*Philadelphia, March 24, 1783.*

SIR: I have the honor to inform your excellency that a vessel arrived here last night from Cadiz, despatched by order of Count d'Estaing to recall the cruisers of his most Christian majesty, and to prevent the further effusion of blood at sea. A copy of the order is enclosed, having been certified by the Chevalier de la Luzerne to be a true copy. Though this may not be considered by your excellency as official, yet your humanity will induce you to think it sufficiently authentic to justify your taking immediate measures to stop the further effusion of blood, on which principle Congress have been pleased to pass the enclosed resolution.

The vessel which brought these orders did not sail with express design to come to the port of Philadelphia, and has, therefore, brought no official letters, so that I have it not in my power to afford you any further information as to the terms of a general peace than what are contained in the enclosed extract transmitted to me by the Marquis de La Fayette, with this further addition that the Bahama Islands are ceded to Great Britain.

Mr. Morris, one of my secretaries, will have the honor to deliver this to your excellency, and may be intrusted with any despatches which you may choose to deliver him that may contain further information than we have yet received on an event so interesting to us and to humanity as the return of peace.

I have the honor to be, &c.,

ROBERT R. LIVINGSTON.

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Livingston to Washington.\*

PHILADELPHIA, *March 24, 1783.*

DEAR SIR: You will by this express receive the agreeable intelligence of a peace, upon which I most sincerely congratulate you and the army. Harmony, a regard for justice, and fidelity to our engagements are all that now remains to render us a happy people. The vessel that brought these despatches was sent out by the Count d'Estaing to recall the French cruisers. As the minister tells me he will forward the orders and passports to your excellency, I will not detain the messenger till I have mine copied. This should, in my opinion, be immediately sent either by Congress or your excellency to Sir Guy Carleton.

A private letter to me mentions that the Bahama Islands are also ceded to the British. Holland seems to have come worst off, and France, by getting little for herself, has laid in a store of reputation

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\* MSS. Dep. of State; 6 Sparks' Dip. Rev. Corr., 229, with verbal changes.



which will be worth more than much territory. I must request your excellency to send on the enclosed letters by express to the governor.

I have the honor to be, &c.,

ROBERT R. LIVINGSTON.

P. 3.—I have thought proper to send Mr. Lewis Morris to New York to inform General Carleton of the happy reunion of the powers at war, and also of a resolution of Congress of this day directing their agent of marine to take proper measures to stop all further hostilities by sea.

Livingston to the Peace Commissioners.\*

PHILADELPHIA, March 25, 1783.

GENTLEMEN: I am now to acknowledge the favor of your joint letter by the *Washington*, together with a copy of the preliminary articles; both were laid before Congress. The articles have met with their warmest approbation, and have been generally seen by the people in the most favorable point of view.

The steadiness manifested in not treating without an express acknowledgment of your independence previous to a treaty is approved, and it is not doubted but it accelerated that declaration. The boundaries are as extensive as we have a right to expect, and we have nothing to complain of with respect to the fisheries. My sentiments as to English debts you have in a former letter. No honest man could wish to withhold them. A little forbearance in British creditors till people have recovered in part from the losses sustained by the war will be necessary to render this article palatable, and indeed to secure more effectually the debt. The article relative to the loyalists is not quite so accurately expressed as I could wish it to have been. What, for instance, is intended by *real British subjects*? It is clear to me that it will operate nothing in their favor in any State in the Union, but as you made no secret of this to the British commissioners, they will have nothing to charge you with; and indeed, the whole clause seems rather to have been inserted to appease the clamor of these poor wretches than to satisfy their wants. Britain would have discovered more candor and magnanimity in paying to them three months' expense of the war establishment, which would have been an ample compensation for all their losses, and left no germ of dissatisfaction to bud and bloom and ripen into discontents here. Another mad administration may think the non-compliance of the legislatures with the recommendations of Congress on this subject a sufficient cause for giving themselves and us new troubles. You, however, were perfectly right in agreeing to the article—the folly was theirs, who did not either insist upon more or give up this.

\*MSS. Dep. of State; 5 Sparks' Dip. Rev. Corr., 480, with verbal changes.

But, gentlemen, though the issue of your treaty has been successful, though I am satisfied that we are much indebted to your firmness and perseverance, to your accurate knowledge of our situation and of our wants for this success, yet I feel no little pain at the distrust manifested in the management of it; particularly in signing the treaty without communicating it to the court of Versailles till after the signature, and in concealing the separate article from it even when signed. I have examined, with the most minute attention, all the reasons assigned in your several letters to justify these suspicions. I confess they do not appear to strike me so forcibly as they have done you; and it gives me pain that the character for candor and fidelity to its engagements which should always characterize a great people should have been impeached thereby. The concealment was, in my opinion, absolutely unnecessary; for, had the court of France disapproved the terms you had made after they had been agreed upon, they could not have acted so absurdly as to counteract you at that late day, and thereby put themselves in the power of an enemy who would certainly betray them and perhaps justify you in making terms for yourselves.

The secret-article is no otherwise important than as it carries in it the seeds of enmity to the court of Spain, and shows a marked preference for an open enemy. It would, in my opinion, have been much better to have fixed on the same boundaries for West Florida, into whatever hands it fell, without showing any preference, or rendering concealment necessary; since all the arguments in favor of the cession to England would then have operated with equal force, and nothing have been lost by it; for there can be no doubt that, whether Florida shall at the close of the war be ceded to England or to Spain, it will be ceded as it was held by Britain. The separate article is not, I suppose, by this time a secret in Europe; it can hardly be considered as such in America. The treaty was sent out to the General, with this article annexed, by Sir Guy Carleton, without the smallest injunction of secrecy. So that, I dare say, it has been pretty generally read at headquarters. Congress still conceal it here. I feel for the embarrassment explanations on this subject must subject you to, when this secret is known to your allies.

I intended to have submitted this letter to Congress, but I find there is not the least prospect of obtaining any decision upon it in time to send by this conveyance, if at all. I leave you to collect their sentiments, as far as I know them, from the following state of their proceedings: After your joint and separate letters and the journals had been submitted to them by me, and had been read, they were referred back to me to report, when I wrote them the enclosed letter No. 1. When the letter was taken into consideration the following motions 2, 3, and 4, were made and debated a whole day. After which the letter and motions were committed, and a report brought in, No. 5. This was under consideration two days, when the arrival of a vessel from Cadiz,

of these private communications, as taken on the twenty-third instant by the President, is as follows :

## FINANCE.

“That the Count de Vergennes was alarmed at the extravagant demands of Dr. Franklin in behalf of the United States; that he was surprised at the same time, that the inhabitants paid so little attention to doing something for themselves. If they could not be brought to give adequate funds for their defence during a dangerous war, it was not likely that so desirable an end could be accomplished when their fears were allayed by a general peace; that this reasoning affected the credit of the United States, and no one could be found who would risk their money under such circumstances; that the King would be glad to know what funds were provided for the security and payment of the ten millions borrowed by him in Holland; that the Count de Vergennes hardly dared to report in favor of the United States to the King and council, as money was so scarce that it would be with the greatest difficulty that even a small part of the requisition could be complied with. The causes of this scarcity were a five years’ war, which had increased the expenses of the Government to an enormous amount—the exportation of large sums of specie to America for the support and pay of both French and English armies—the loans to America—the stoppage of bullion in South America which prevented its flowing in the usual channels.”\*

A letter of a later date added : “That he had received the Chevalier’s letter of October, and rejoiced to find that Congress had provided funds for their debts, which gave him great encouragement, and he had prevailed on the comptroller-general to join him in a report to his majesty and council for six millions of livres for the United States to support the war, but assures the Chevalier de la Luzerne that he must never again consent to a further application.”

## NEGOTIATIONS.

“He complains of being treated with great indelicacy by the American commissioners, they having signed the treaty without any confidential communication; that had France treated America with the same indelicacy she might have signed the treaty first, as everything between France and England was settled, but the King chose to keep faith with his allies, and therefore always refused to do anything definitively till all his allies were ready; that this conduct had delayed the definitive treaty, England having considered herself as greatly strengthened by America; that Dr. Franklin waited on the Count de Vergennes, and acknowledged the indelicacy of their behavior, and had prevailed

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\*Another cause mentioned was the large balance of specie in favor of the northern powers during the war.

with letters from the Count d'Estaing and the Marquis de la Fayette, containing accounts that preliminaries were signed, induced many members to think it would be improper to proceed in the report, and in that state it remains without any express decision. From this you will draw your own inferences.

I make no apology for the part I have taken in this business. I am satisfied you will readily acquit me for having discharged what I conceived to be my duty, upon such a view of things as you presented to me. In declaring my sentiments freely, I invite you to treat me with equal candor in your letters, and, in sending original papers, I guard against misrepresentations that might give you pain. Upon the whole, I have the pleasure of assuring you that the services you have rendered your country in bringing this business to a happy issue, are very gratefully received by them, however we may differ in sentiments about the mode of doing it.

I am sorry that the extreme negligence of the different States has prevented, and will probably long prevent, my being able to send you a state of the injury done to real property, and the number of slaves destroyed and carried off by the British troops and their allies, though no pains have been or shall be wanting, on my part, to urge them to it.

I have the honor to be, gentlemen,

ROBERT R. LIVINGSTON.

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Madison's Report of Debates in Congress.\*

(For prior debate, see *supra* March 24, 1783.)

WEDNESDAY, *March 26, 1783.*

Communication was made, through the Secretary of Foreign Affairs by the minister of France, as to the late negotiation, from letters received by him from the Count de Vergennes, dated in December last, and brought by the packet *Washington*. This communication showed, though delicately, that France was displeased with our ministers for signing the preliminary articles separately; that she had labored by recommending mutual concessions to compromise disputes between Spain and the United States, and that she was apprehensive that Great Britain would hereafter, as they had already endeavored to, sow discords between them. It signified that the "intimacy between our ministers and those of Great Britain" furnished a handle for this purpose.

Besides the public communication to Congress, other parts of letters from the Count de Vergennes were privately communicated to the President of Congress and to sundry members, expressing more particularly the dissatisfaction of the court of France at the conduct of our ministers and urging the necessity of establishing permanent revenues for paying our debts, and supporting a national character. The substance

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\* 1 Madison Papers, 412.

of these private communications, as taken on the twenty-third instant by the President, is as follows :

## FINANCE.

"That the Count de Vergennes was alarmed at the extravagant demands of Dr. Franklin in behalf of the United States ; that he was surprised at the same time, that the inhabitants paid so little attention to doing something for themselves. If they could not be brought to give adequate funds for their defence during a dangerous war, it was not likely that so desirable an end could be accomplished when their fears were allayed by a general peace ; that this reasoning affected the credit of the United States, and no one could be found who would risk their money under such circumstances ; that the King would be glad to know what funds were provided for the security and payment of the ten millions borrowed by him in Holland ; that the Count de Vergennes hardly dared to report in favor of the United States to the King and council, as money was so scarce that it would be with the greatest difficulty that even a small part of the requisition could be complied with. The causes of this scarcity were a five years' war, which had increased the expenses of the Government to an enormous amount—the exportation of large sums of specie to America for the support and pay of both French and English armies—the loans to America—the stoppage of bullion in South America which prevented its flowing in the usual channels."\*

A letter of a later date added : "That he had received the Chevalier's letter of October, and rejoiced to find that Congress had provided funds for their debts, which gave him great encouragement, and he had prevailed on the comptroller-general to join him in a report to his majesty and council for six millions of livres for the United States to support the war, but assures the Chevalier de la Luzerne that he must never again consent to a further application."

## NEGOTIATIONS.

"He complains of being treated with great indelicacy by the American commissioners, they having signed the treaty without any confidential communication ; that had France treated America with the same indelicacy she might have signed the treaty first, as everything between France and England was settled, but the King chose to keep faith with his allies, and therefore always refused to do anything definitively till all his allies were ready ; that this conduct had delayed the definitive treaty, England having considered herself as greatly strengthened by America ; that Dr. Franklin waited on the Count de Vergennes, and acknowledged the indelicacy of their behavior, and had prevailed

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\*Another cause mentioned was the large balance of specie in favor of the northern powers during the war.

on him to bury it in oblivion; that the English were endeavoring all in their power to sow seeds of discord between our commissioners and the court of Spain, representing our claims to the westward as extravagant and inadmissible; that it became Congress to be attentive to this business, and to prevent the ill effects that it might be attended with; that the King had informed the court of Spain that he heartily wished that the United States might enjoy a cordial coalition with his Catholic majesty, yet he should leave the whole affair entirely to the two States, and not interfere otherwise than as by his counsel and advice when asked; that although the United States had not been so well treated by Spain as might have been expected, yet that his majesty wished that America might reap the advantage of a beneficial treaty with Spain. That, as the peace was not yet certain, it became all the powers at war to be ready for a vigorous campaign, and hoped Congress would exert themselves to aid the common cause by some offensive operation against the enemy; but if the British should evacuate the United States, the King earnestly hoped Congress would take the most decided measures to prevent any intercourse with the British, and particularly in the way of merchandize or supplying them with provisions, which would prove of the most dangerous tendency to the campaign in the West Indies; that the British now had hopes of opening an extensive trade with America, though the war should continue, which, if they should be disappointed in, might hasten the definitive treaty, as it would raise a clamor among the people of England."

The Chevalier added, "that as he had misinformed his court with regard to Congress having funded their debts, on which presumption the six millions had been granted, he hoped Congress would enable him in his despatches to give some satisfactory account to his court on this head."

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H. Laurens to J. Adams.\*

LONDON, *March 26, 1783.*

DEAR SIR: I was yesterday honored by the receipt of your letter of the 12th inst.

That the "noble lord" did boast is beyond all doubt, but I had the good fortune to give a check to his success by propounding a question almost in terms with that which you have put. How does his lordship know whether we conferred with or what we communicated to our ally? But admitting the fact, which I do not admit, what then? Be assured that a disappointed and mortified Shelburne, manger all pretensions to whiggism, has as good a stomach for such a "feat" as even a Hillsborough, a Germaine, or the other secretary, Sandwich, had.

I coincide exactly in your opinion on the delay of the definitive

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\* 8 J. Adams' Works, 52.

treaty, the evacuation of New York, the tories, recommendations, &c., and it is probable I have given a damp to the third edition "for the provisional establishment and regulation of trade," &c., by framing a counter bill, supposed to be pending in each of the United States, for regulating the British trade, which I held up as a mirror to a noble lord and a few of the most eminent commoners. The picture alarmed them, and, if I judge right, a lead will be laid upon their bill.

"You can not think our country will hang their ministers for being cheated into independence, fisheries," &c. I fancy not; but be as grave as you please upon the subject, believe me his lordship boasted of having "cheated" us into those great benefits, and flattered himself with hopes that, upon the same ground, he would be able to "cheat" us out of them again. I hope his wings will be clipped. If the proper ministry should succeed I have every reason to expect an honest and liberal proceeding with respect to us will immediately ensue. My opinion is founded upon the most explicit assurances from the very best hands. The tories, nicknamed loyalists, are execrated by the circle in which I sometimes move, and yet they say they must "make some provision for some of the poor devils for national honor's sake." I reply, make what provision you will, it would be impertinent in me to interfere in that business; but you must not attempt to cram them down our throats. It is time you should know that America will not be taxed without her own consent. I have uniformly discouraged all attempts to trade with the United States until the definitive treaty shall be concluded and the British forces by land and sea effectually withdrawn. The reasonings which I have urged, particularly personating the State of New York, have been acknowledged invincible, but some of the merchants are nevertheless mad, and will send their ships. Let them be mad. I trust the United States will be wise.

I am, dear sir, &c.,

HENRY LAURENS.

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Livingston to Franklin."

PHILADELPHIA, *March 26, 1783.*

SIR: I need hardly tell you that the intelligence brought by the *Washington* diffused a general pleasure. We had long been in suspense with respect to the negotiations, and had received no other lights on that subject than those the speech of his Britannic majesty and Mr. Townshend's letters threw upon it. These were by no means sufficient to dissipate all our apprehensions.

The terms you have obtained for us comprise most of the objects we wish for. I am sorry, however, that you found it necessary to act with reserve and to conceal your measures from the court of France. I am

\* MSS. Dep. of State; 2 Sparks' Dip. Rev. Corr., 424, with omissions.

fearful that you will not be able to produce such facts as will justify this conduct to the world or free us from the charge of ingratitude to a friend who has treated us not only justly, but generously.

But this is a disagreeable subject, and I refer you for my sentiments and those of Congress to my letter in answer to the joint letter from our ministers. I am sorry that the commercial article is stricken out. It would have been very important to us to have got footing at least in the British West Indies, as a means of compelling France to pursue her true interest and ours, by opening her ports also to us.

We have just learned by a vessel from Cadiz that the preliminary articles for a general peace were signed the 20th. The abstract of the treaty sent me by the Marquis de la Fayette does the highest honor to the moderation and wisdom of France. Never has she terminated a war with more glory, and in gaining nothing but that trophy of victory, Tobago, she has established a character which confirms her friends, disarms her enemies, and obtains a reputation that is of more value than any territorial acquisition she could make.

We have been in great distress with respect to our army. Pains were taken to inflame their minds and make them uneasy at the idea of a peace which left them without support. Inflammatory papers were dispersed in camp, calling them together to determine upon some mad action. The General interposed, postponed the meeting to a future day, on which he met them, and made them an address that will do him more honor than his victories; after which they passed several resolves becoming a patriot army. Congress are seriously engaged in endeavoring to do them justice. I am in great hopes that we shall shortly be brought back to such a situation as to be enabled to enjoy the blessings you have laid the foundation of.

I received from Mr. T. Franklin the papers relative to the Portuguese vessel, which I have caused to be laid before the court of appeals, where the cause is now depending. The cargo having been condemned and the yacht acquitted at Boston, I doubt not but full justice will be done to the proprietors on the rehearing. You know so much of our constitution as to see that it is impossible to interfere further in these matters than by putting the evidence in a proper train to be examined. I have had the proceedings in the case of the brig *Providentia* transmitted to me from Boston, with a full state of the evidence, which I have examined. The cargo is condemned and the vessel acquitted, an allowance for freight having been made by the court. The evidence does not admit a doubt of the justice of this decree. Should the court of Denmark not be satisfied with this account, I will cause a copy of the proceedings to be transmitted to you for their satisfaction. I hope this mark of attention to them will induce them to acknowledge the injustice they have done us in the detention of our prizes. This object should not be lost sight of.

I thank you for your present of M. d'Auberteuil's essay, and shall dispose of the copies he has sent in the way you recommend, though I



think the best answer will be the boy's reply to Pope's *God mend me*. I could hardly have believed it possible that so many errors and falsehoods, that would shock the strongest faith on this side of the water, could be received as orthodox on the other.

I remit bills for the salaries of our ministers. It is impossible that I can adjust their accounts here; you must settle with them, and they repay you out of the drafts I have made in their favor when they have been overpaid. Congress have, in pursuance of your sentiment in your letter of October, passed the enclosed resolution.\* So that on the quarter's salary due in April there will be a deduction of all you gained by the course of exchange, and the payments will be reduced to par, at which rate they will always be paid in future. This deduction amounts on your salary to eight thousand three hundred and thirty-six livres, as will appear from the account that will be stated by Mr. Morris. I shall pay your bills into the hands of Mr. Robert Morris, whom you have constituted your agent. The bills for the other gentlemen, who may not be with you, are committed to your care. As the bills are drawn in their favor, they can only be paid on their endorsement.

Congress will, I believe, agree very reluctantly to let you quit their service. The subject, together with Mr. Adams' and Mr. Laurens' resignation, is under the consideration of a committee. If they report before this vessel sails you shall know their determination.

On the arrival of the *Triumph* from Cadiz, which brought orders for recalling the cruisers of his Britannic majesty, Congress passed the enclosed resolution, which I transmitted, with the intelligence we had received, to Carleton and Digby. I sent my secretary with my letters, and expect him back this evening. I am anxious to know how the first messenger of peace has been received by them, as well as to discover through him what steps they propose to take for the evacuation.

I ought to thank you for your journal before I conclude. The perusal of it afforded me great pleasure. I must pray you to continue it. I much wish to have every step which led to so interesting an event as the treaty which established our independence. And though both Mr. Jay and Mr. Adams are minute in their journals, for which I am much obliged to them, yet new light may be thrown on the subject by you, who, having been longer acquainted with the courts both of London and Versailles, have the means of more information relative to their principles and measures.

I have the honor to be, sir, &c.,

ROBERT R. LIVINGSTON.

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\* MARCH 7, 1783.

*Resolved*, That the salaries of the ministers and other officers of the United States in Europe be estimated in future in dollars, at the rate of four shillings and sixpence sterling per dollar.

That they be paid in bills of exchange upon France or Holland, at the rate of five livres five sous tournois per dollar, without regard to the variations which may be occasioned by the course of exchange.

Carleton to Livingston.\*

NEW YORK, *March 26, 1783.*

SIR: I have received your letter of the 24th instant, enclosing a resolution of Congress of the same date, taken in consequence of the arrival of the cutter *Triomphe*, commanded by Lieutenant du Quesne, with orders of the 10th of February last, given at Cadiz, by Vice-Admiral d'Estaing, for him to put to sea and cruise on such stations as he shall judge most likely to meet with ships of his nation, and inform them of the happy reconciliation of the belligerent powers, and to order all their ships of war to cease hostilities against those of Great Britain; the preliminary articles of a general peace being signed the 20th of January. You thereupon are pleased to express your expectation that I would think this information thus conveyed "sufficiently authentic to justify my taking immediate measures to stop the further effusion of blood."

For my own part I have hitherto abstained from all hostilities, and this conduct I meant to continue so far as our own security would permit; but how great soever my desire is to put an entire stop to the calamities of war, and whatever respect this information may deserve, yet I do not find myself thereby justified in recommending measures that might give facility to the fleets and armies menacing any part of the King's possessions to carry their hostilities into execution.

To adopt a measure of this importance it is necessary I should receive orders from home, which I may reasonably expect every hour, as a cruiser sent out on other purposes is already arrived at Philadelphia; and I assure you, sir, I only await the official certainty of this great event to assume the language and the spirit, too, of the most perfect conciliation and peace.

I perceive, sir, by the resolution enclosed in your letter that Congress have thought fit to consider this information as authentic, and thereupon have taken one considerable step towards carrying the terms of peace into immediate execution.

Another, not less important I presume, has been taken, or is taking. With the cessation of hostilities, I perceive, is connected in the seventh article of the provisional treaty an engagement that "all prisoners on both sides shall be set at liberty;" of this event, therefore, I hope likewise speedily to receive the very necessary and welcome notice, as I shall find the highest satisfaction in seeing released on all sides men upon whom the evils and calamities of war have more peculiarly fallen.

I am, sir, &c.,

GUY CARLETON.

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\* MSS. Dep. of State; 6 Sparks' Dip. Rev. Corr., 231.

Dumas to Livingston.\*

THE HAGUE, March 27, 1783.

SIR: While the powers are taking a *siesta* to digest the provisional peace previous to putting the finishing hand to it, I can only speak to you of the domestic affairs of this Republic.

1st. Five Provinces have conformed to the opinion of Holland for the criminal process on account of the disobedience of the squadron, which should have sailed from Brest in the beginning of October last. The opinion of Guelderland, the States of which will assemble next month, is the only one wanting.

2dly. There is a provisional report of seven of the principal cities of Holland, which the others have taken *ad referendum*, to require explanations from the Prince on the last memorial of M. Thulemeyer, envoy of Prussia, by declaring whether he really has to complain of the loss of any prerogatives constitutionally belonging to him; or if the remonstrances of the King on that point are not founded on a mistake? Those who are suspected of being the only focus from which this *brutum fulmen* (shall I call it), or this *will-o'-the-wisp*, has proceeded are doing all they can to prevent a majority, which would convert this report into a resolution. If they can not succeed in this, the nobles—that is, the Prince, whom they allow to dispose of their vote—will delay the resolution by pretending not to be ready to vote. But then the others can appoint a day on which they must be ready, and meanwhile they will print the report, which will increase the difficulty of the court, and perhaps of the kind M. Thulemeyer, in saving themselves from the dilemma, I will not say with honor, which is impossible, but without mortification.

3dly. The city of Alcmæer, by a formal deputation, has declared to the Prince that in future it will dispose not only of nominations, but also of the consequent elections, without his participation; asserting that this right belongs to it in virtue of certain ancient privileges. It persists in its design, and the Prince, who it was said at first had intended to complain to the States of the Province by letter, has renounced his intention for want of any solid objections to the measure.

4thly. The arrangement of the military jurisdiction is another formidable operation for him, which will begin next week to occupy the serious attention of the States of Holland.

5thly. Finally, the court of justice continues to make rigid and minute examinations of the affair of St. Nicholas, or of the 6th of December last, and is preparing a full report, which will be published, and which, as I am assured from good authority, will demonstrate that it was an actual conspiracy, the leaders of which were certain nobles and placemen, almost all of whom are already discovered.

Congress will see by these specimens that the republican party here

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\* 5 Sparks' Dip. Rev. Corr., 377.

is far from being discouraged by the approaches of peace, as some flattered themselves and others feared or foretold they would be.

The Prince has lost the enthusiastic love which the large part of the nation bore him ; this loss is irreparable, and the conduct he is induced to adopt renders it more and more incurable. In the Provinces, as, for instance, Overysse, Utrecht, and Guelderland, where he was the most absolute, they are still more alienated, irritated, and disgusted with abuses than in this. I do not say that this will or ought to end in a revolution, but a considerable diminution of his usurped and unconstitutional power will, according to all appearances, be the result. The course of these people and that of the cabinets negotiating a peace may be compared to the hare and the tortoise in the fable ; the former began with long leaps and rapid strides, and after these preliminaries fell asleep at a little distance from the goal, thinking it easy for him to reach it at any moment ; our tortoise, in spite of his tardy movements, may yet attain some of his objects before the hare awakes.

I see constantly and confidentially the French ambassador and the *chargé d'affaires* of Sweden, sometimes likewise the minister of Spain. I can not serve the first in the present circumstances with so much success as formerly. My friends wish to see the wrongs of which they complain redressed before they can rely with their former confidence on future promises. It is not his fault and I pity him ; but, after all, I can not say that my friends are wrong.

The other diplomatic agents appear to be here merely to vegetate and kill time, sometimes at what they call the court, sometimes with each other.

I have the honor to be, &c.,

DUMAS.

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Digby to Livingston.\*

NEW YORK, March 27, 1783.

SIR: I have received your letter enclosing me the resolve of Congress, with a copy of a letter to his excellency Sir Guy Carleton, but as I have as yet received no official accounts from England, I must wait till you, on your side, relieve our prisoners, before I give that general relief to you I so much wish. There can be no reason for detaining our prisoners one moment, as Congress must suppose the peace signed. I shall take every precaution in my power consistent with my duty to stop any further mischief upon the seas, but should recommend the preventing any vessels sailing, as I have not yet received sufficient authority to enable me to withdraw my cruisers.

I am, sir, &c.,

ROBERT DIGBY.

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\* MSS. Dep. of State ; 6 Sparks' Dip. Rev. Corr., 232.

Jay to Vaughan.\*

PARIS, *March 28, 1783.*

DEAR SIR: Whence came the idea that the moment a minister loses a question in Parliament he must be displaced? That kings should adopt such a maxim is not very unnatural, but that a free parliament should think an influential dictator over *them* is necessary to the government of the kingdom seems rather a new opinion. Perhaps it arose gradually from the practices of the court and the decay of public virtue during the last hundred years.

So far as the peace respects France and America, I am persuaded it was wise in Britain to conclude it. The cessions to France are not, in my opinion, extravagant, and the terms settled with America by removing all causes of future variance certainly lead to conciliation and friendship.

It appears to me that the discussion of this subject might have been more ample and satisfactory. Why was not Parliament told of our offers as to commerce and the mutual navigation of the American waters? The word *reciprocity* would not then have been deemed so nugatory.

We have received particular instructions on the business of commerce, and Mr. Fitzherbert has been informed of our readiness to add to the provisional treaty an article for opening and regulating the trade between us on principles as liberal and reciprocal as you please. What more can be said or done? Mr. Pitt's bill was a good one, a wise one, and one that will forever do honor to the extent and policy of his views, and to those of the administration under whose auspices it was formed. For my own part, however, I think that America need not be exceedingly anxious about the matter; for it will be in our power to derive from a navigation act of our own full as many advantages as we should lose by the restrictions of your laws.

The objections drawn from your treaties with Russia, &c., appear to me weak, and have been answered; but why not give them similar terms on similar conditions? They furnish you with raw materials chiefly, and you them with manufactures only. The gain, therefore, must be yours. With respect to carriage and navigation, they stand in a very different predicament from us.

As to the tories who have received damage from us, why so much noise about *them*, and so little said or thought of whigs who have suffered ten times as much from these same tories, not to mention the desolations of an unjust and licentious war.

We forget our sufferings, and even agree to recommend to favor a set of men of whom very few would consider the having their deserts in the light of a blessing. How does reciprocity stand in this account?

Some, it seems, think that New York should be retained as a rod to drive us on in this business of the tories. Strange that the idea of

driving us should still be entertained. I pledge myself to you that, should such a design be adopted and become apparent, the refugees will get nothing, and the progress of reconciliation will be as slow as the warmest Gallican could wish.

I hear there is to be a congress here; that is, that Britain and France have requested the two Imperial courts to send mediatorial ambassadors here for the purpose of being witnesses to the execution of the definitive treaties; a very important errand, no doubt, and very complimentary to those sovereigns. Is it probable that a congress should be called for that poor, single, simple purpose? Why your court agreed to it is hard to conceive.

I have written to my countrymen that Lord Shelburne's system respecting them appeared to me to be liberal and conciliatory, but that his hesitations about *avowing* the acknowledgment of our independence discouraged extensive confidence without further facts. I always think it best to be candid and explicit. I hope we shall soon be in the full possession of our country and of peace, and as we expect to have no further cause of quarrel with Great Britain, we can have no inducement to wish or to do her injury; on the contrary, we may become as sensible to her future good offices as we have been to her former evil ones. A little good-natured wisdom often does more in politics than much slippery craft. By the former the French acquired the esteem and gratitude of America, and by the latter their minister is impairing it.

Thus I have written you a hasty letter. Since the receipt of yours, until this moment, I have been promising myself the pleasure of paying you a visit. I now find it probable that I shall be detained here some time longer.

Mrs. Jay charges me to say civil things to you. You are a favorite of hers, and deserve to be so of everybody. Our little girl is well, and when able to speak shall be taught to send you her compliments. I shall reply to certain parts of your letter in my next; at present I am pressed for time. I must not, however, forget my worthy friend Mr. Oswald. He deserves well of his country, and posterity will not only approve, but commend his conduct. Assure him of my esteem and attachment, and believe me to be, with the best wishes for the health and happiness of Mrs. Vaughan and your little daughter, &c.,

JOHN JAY.

Livingston to the President of Congress.\*

OFFICE OF FOREIGN AFFAIRS,

March 28, 1783.

SIR: There remains in my hands the sum of thirty-eight thousand three hundred and thirty-two livres, equal on exchange at par to about seven thousand three hundred and ten dollars, arising from the excess

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\* MSS. Dep. of State; 6 Sparks' Dip. Rev. Corr., 232.

on the payment of the salaries of the ministers of the United States in Europe, occasioned by the course of exchange during the last year, which Congress have been pleased to direct that I should pass to the account of the United States. In this I have not calculated six hundred and eighty-eight livres excess upon M. Dumas' account, being too inconsiderable to make a deduction worth attention.

Desirous of settling all my accounts on the 1st of April, previous to my leaving the Department, I pray Congress to pass some order relative to the disposition of the money, so that I may discharge myself of it. As Congress may be led to suppose from a passage in Mr. Laurens' letter, that I have charged a commission on this transaction, I take the liberty to inform them that though this is an extra service, attended with some trouble and risk, I once had it in view, if our ministers compelled me to be their agent, to charge a commission while the exchange was in their favor, yet not having then done it, I cannot think it would be reasonable to deduct a commission from the reduced sum that is now paid them.

I have the honor to be, &c.,

ROBERT R. LIVINGSTON.

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From the City of Hamburg to Congress.\*

[Translation.]

MARCH 29, 1783.

**RIGHT NOBLE, HIGH, MIGHTY, MOST HONORABLE LORDS:** Since, by the preliminary articles of peace, concluded lately between the high belligerent powers, the illustrious United States of North America have been acknowledged free, sovereign, and independent, and now since European powers are courting in rivalry the friendship of your high mightinesses,

We, impressed with the most lively sensations on the illustrious event, the wonder of this and the most remote future ages, and desirous fully to testify the part which we take therein, do hereby offer our service and attachment to the cause.

And in the most sincere disposition of heart we take the honor to wish, so as from Omnipotent Providence we do pray, that the most illustrious Republic of the United States of America may, during the remotest centuries, enjoy all imaginable advantages to be derived from that sovereignty which they gained by prudence and courage.

That, by the wisdom and active patriotism of your illustrious Congress, it may forever flourish and increase, and that the high and mighty regents of those free United States may, with ease and in abundance, enjoy all manner of temporal happiness, and at the same time

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\* 2 Sparks' Dip. Rev. Corr., 427. The original of this singular paper is not preserved, and the translation is here given as found in Dr. Franklin's public correspondence.—SPARKS.

we most obsequiously recommend our city to a perpetual friendly intelligence and her trade and navigation in matters reciprocally advantageous to your favor and countenance.

In order to show that such mutual commerce with the merchant houses of this place may undoubtedly be of common benefit, your high mightinesses will be pleased to give us leave to mark out some advantages of this trading city.

Here reigns a free, unrestrained republican commerce, charged with but few duties.

Hamburg's situation upon the River Elbe is as if it were in the centre of the Baltic and the North Sea, and as canals are cut from the river through the city, goods may be brought in ships to the magazines in town, and from thence again to all parts of the world.

Hamburg carries on its trade with economy. It is the mart of goods of all countries, where they can be purchased not only of good quality, but sometimes cheaper than at first hand.

Here linen, woollen goods, calicoes, glass, copper, and other numerous produce of manufactured wares of the whole German empire are bought in by Portuguese, Spaniards, the English, Dutch, French, and other nations, and from hence further transported. In exchange whereof considerable quantities of North American goods, much wanted in Germany, may be taken.

M. Penet, who in your country is honored with several offices, has sojourned here for some time, and with all who had the honor of his acquaintance borne the character of an intelligent, skillful, and for reciprocally advantageous commerce a well-disposed and zealous man, will certainly have the complaisance to give your high mightinesses further explanation of the advantages of this trading place, which we have but briefly touched upon.

We now intercessionally and most obsequiously request your high mightinesses to favor and countenance the trade of our merchants, and to suffer them to enjoy all such rights and liberties as you allow merchants of nations in amity, which in gratitude and with zeal we will in our place endeavor to retribute, not doubting that such mutual intercourse may be effected since a good beginning thereof is already made on both sides by the friendly reception of the vessels that have arrived in either country.

In further testimony of our most attentive obsequiousness and sincere attachment we have deputed our citizen John Abraham de Boor, who is charged with the concerns of a considerable merchant house, which, like several other merchant houses of good report and solidity in this city, is desirous of entering with merchants of your country into reciprocal commerce. He is to have the honor to present to your high mightinesses this our most obsequious missive, wherefore we most earnestly recommend him to your favorable reception. He has it from us in express charge most respectfully to give your high mightinesses, if required, such upright and accurate accounts of our situation and



constitutions as may be depended upon, and at the same time in person to testify the assurance of the most perfect respect and attachment with which attentively we remain, right noble, high, mighty, and most honorable lords, your most obsequious and devoted burgomaster and senate of the imperial free city of Hamburg.

Given under our city seal the 29th of March, 1783.

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Washington to Luzerene.\*

HEADQUARTERS, *March 29, 1783.*

SIR: The news of a general peace which your excellency has been so good as to announce to me has filled my mind with inexpressible satisfaction; and permit me to add that the joy I feel on this great event is doubly enhanced by the very obliging manner in which you have been pleased to express your congratulations to me and the army on this happy occasion.

The part your excellency has acted in the cause of America and the great and benevolent share you have taken in the establishment of her independence are deeply impressed on my mind, and will not be effaced from my remembrance, or that of the citizens of America, but with the latest effects of time. You will accept, sir, my warmest acknowledgments and congratulations, with assurances that I shall always participate with the highest pleasure in every event which may contribute to your happiness and satisfaction.

The articles of a general treaty do not appear so favorable to France in point of territorial acquisitions as they do to the other powers; but the magnanimous and disinterested scale of action which that great nation has exhibited to the world during this war and at the conclusion of peace will insure to the King and nation that reputation which will be of more consequence to them than every other consideration.

Mrs. Washington begs your excellency to accept her sincerest thanks for the joy you have communicated to her, and to receive a return of her congratulations on this most happy of all events.

I have the honor to be, &c.,

GEORGE WASHINGTON.

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Hartley to Franklin.†

LONDON, *March 31, 1783.*

MY DEAR FRIEND: I send you a paper entitled *Supplemental Treaty*, the substance of which I sent you some time ago, as I read it in part of a speech in the House of Commons. I have given a copy of it to Mr.

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\* MSS. Dep. of State; 6 Sparks' Dip. Rev. Corr., 119.

† 2 Sparks' Dip. Rev. Corr., 429.

L. as the grounds upon which my friend the Duke of Portland would have wished that any administration in which he might have taken a part should have treated with the American ministers. All negotiations for the formation of a ministry in concert with the Duke of Portland are at an end.

The tenth article, which is supposed to be referred to the definitive treaty, is a renewal of the same proposition which I moved in Parliament some years ago, viz., on the 9th of April, 1778. I see nothing inconsistent with that proposition either in the Declaration of Independence or in the treaty with France. Let it therefore remain, and emerge after the war as a point untouched by the war. I assure you my consent should not be wanting to extend this principle between all the nations upon the earth. I know full well that those nations to which you and I are bound by birth and consanguinity would reap the earliest fruits from it. *Owing no man hate, and envying no man's happiness*, I should rejoice in the lot of my own country, and on her part say to America, *Nos duo turba sumus*. I send you, likewise, enclosed with this, some sentiments respecting the principles of some late negotiations, drawn up in the shape of parliamentary motions by my brother, who joins with me in the sincerest good wishes to you for health and happiness and for the peace of our respective countries and of mankind.

Your ever affectionate,

D. HARTLEY.

SUPPLEMENTAL TREATY BETWEEN GREAT BRITAIN AND THE UNITED STATES OF NORTH AMERICA.

1. That the British troops be withdrawn from the United States with all convenient speed.

2. That all further prosecutions of loyalists in America be immediately abated, and that they be permitted to remain until twelve months after the definitive treaty with America in safety, and unmolested in their endeavors to obtain restitution of their estates.

3. That all ports shall be mutually opened for intercourse and commerce between Great Britain and the United States.

4. Agreed on the part of Great Britain, that all prohibitory acts shall be repealed, and that all obstructions to American ships, either entering inwards or clearing outwards, shall be removed, which may arise from any acts of Parliament heretofore regulating the commerce of the American States under the description of British colonies and plantations, so as to accommodate every circumstance to the reception of their ships as the ships of independent States.

5. Agreed on the part of Great Britain, that all duties, rights, privileges, and all pecuniary considerations shall remain, respecting the United States of America, upon the same footing as they now remain respecting the province of Nova Scotia, or as if the said States had remained dependent upon Great Britain. All this subject to regulations and alterations by any future acts of the Parliament of Great Britain.

6. On the part of the American States it is agreed, that all laws prohibiting commerce with Great Britain shall be repealed.

7. Agreed on the part of the American States, that all ships and merchandise of the same nations shall be admitted upon the same terms as before the war. All this subject to alterations by the legislatures of the American States.

8. That all prisoners on both sides be immediately released.

9. The spirit and principles of this treaty to be supported on either side by any necessary supplemental arrangements. No tacit compliance on the part of the American States in any subordinate points to be urged at any time hereafter in derogation of their independence.

SEPARATE ARTICLE, TO BE REFERRED TO THE DEFINITIVE TREATY.

10. Neither shall the independence of the United States be construed any further than as independence, absolute and unlimited, in matters of government, as well as commerce. Not into alienation, and therefore the subjects of his Britannic majesty and the citizens of the United States shall mutually be considered as natural born subjects, and enjoy all rights and privileges as such in the respective dominions and territories in the manner heretofore accustomed.

PAPER MENTIONED IN THE CLOSE OF MR. HARTLEY'S LETTER.

1. That it is the opinion of this House that whenever Great Britain thought proper to acknowledge the independence of America the mode of putting it into effect most honorably for this country would have been to have made the Declaration of Independence previous to the commencement of any treaty with any other power.

2. That a deviation from that line of conduct has the effect of appearing to grant the independence of America solely to the demands of the house of Bourbon, and not, as was the real state of the case, from a change in the sentiments of this country as to the object and continuance of the American war.

3. That when this House, by its vote against the further prosecution of offensive war in America, had given up the point of contest, and adopted a conciliatory disposition, the pursuing those principles by an immediate and liberal negotiation upon the basis of independence, at the same time expressing a readiness to conclude a general peace with the allies of America upon honorable terms, would have been the most likely way to promote a mutual and beneficial intercourse between the two countries, to establish peace upon a firm foundation, and would have prevented the house of Bourbon from having a right to claim any further obligations from America as the assertors of their independence.

That the minister who advised the late negotiations for peace has neglected to make use of those advantages which the determination of the House put him in possession of; that by his delay in authorising persons properly to negotiate with the American commissioners he has shown a reluctance to acting upon the liberal principles of granting independence to America as the determination of Great Britain upon mature consideration of the question, and has by such methods given advantage to the enemies of this country to promote and confirm that commerce and connexion between the United States of America and themselves which, during the contest, have been turned from their natural channel with this country, and which this peace so concluded has not yet contributed to restore.

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Madison to Edmund Randolph.\*

PHILADELPHIA, April 1, 1783.

DEAR SIR: Your favor of the twenty-second ultimo verifies my fears that some disappointment would defeat your plan of going into the legislature. I regret it the more, as every day teaches me more and more the necessity of such measures as I know you have patronized, and as

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\* 1 Madison Papers, 520,

are losing ground so fast in the temper of the States as to require every possible support. Unless some speedy and adequate provision be made beyond that of the Confederation the most dismal alternative stares me in the face. And yesterday's post brought us information that a bill repealing the impost had passed the lower house of Massachusetts, and one of a like import had made equal progress in the legislature of South Carolina. These defections are alarming, but if a few enlightened and disinterested members would step forward in each legislature to advocate for the necessary plans, I see with so much force the considerations that might be urged that my hopes would still prevail. If advantage should be taken of popular prepossessions on one side without counter efforts, there is, to be sure, room for nothing but despair.

The extract from ——'s\* letter, recited in yours, astonishes me more than it would do you, because I must be more sensible of its contrast to truth. High as my opinion of the object of it was, the judgment, acuteness, and patriotism displayed in the last despatches from him have really enhanced it. So far are they in particular from studiously leaving us in the dark, that some of them are of as late date as any, if not later than those from several, and perhaps as voluminous as all the rest put together.

The zeal of Congress to hasten the effect of the general preliminaries led them (precipitately, as I conceive) to authorize the Secretary of Foreign affairs to notify to Sir Guy Carleton and Admiral Digby the intelligence received by the French cutter on that subject, with their recall of American cruisers, in order that correspondent measures might be taken at New York. The answers from these commanders were addressed to Robert R. Livingston, Esquire &c., &c., &c., and imported that they could not suspend hostilities at sea without proper authority from their sovereign; but as Congress placed full reliance on the authenticity of the intelligence they supposed no objection could lie on their part against releasing all prisoners, &c. A letter from Digby to the French minister is, I am told, remarkably surly and indecent even for a British admiral. We have received no official report of the signing of the general preliminaries, nor any further particulars relative to them. Your surmise as to the dangerous phraseology which may be used in designating our limits may be realized if our ministers are not cautious or should yield to improper considerations. But I trust that no such defaults will happen on that side; and that even if they should, the language used by Congress in all their own acts on that head will overpower any arguments that may be drawn from acts of their ministers.

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\* Franklin.

APRIL 4, 1783.

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Salva to Franklin.\*

[Translation.]

ALGIEERS, April 1, 1783.

SIR: The imminent danger to which the vessels of your nation were exposed, which sailed in March last from Marseilles, and which owed their safety to the God of the seas alone, emboldens me to call your attention to this point.

Some secret enemies (whom I know) having given information to this regency of their departure, nine armed ships immediately sailed to wait for them at Cape Palos. It is to be presumed that the Americans had passed the Straits.

Algiers has many ships, and the politics of certain European powers do not restrain them from paying tribute to enjoy peace; they make use of these human harpies as a terror to the belligerent nations, whose commerce they chain to the car of Algerine piracy. We saw an example of this when his Imperial majesty, to protect his flag, made use of the firman of the Sublime Porte. It was attacked, and five prizes were brought into this port in 1781, four of which, with ballast, were restored in February, 1782, at the claim of Capapigi Bashaw of the Porte, and of M. Timone, the imperial agent, who was expelled, and whose correspondent I am, having been his secretary on this occasion, and having revealed to his highness Prince Kaunitz Rietberg, minister at the court of Vienna, horrors and crimes which would have remained unpunished but for my pen.

Humanity alone, sir, has engaged me to give you this advice. I request you will be pleased to keep it a secret; your prudence will effect what may be necessary on this occasion.

I have the honor to offer you every information respecting this port, and flatter myself I shall succeed therein. I think to depart from this in May or June next for Marseilles, and to leave these barbarian pirates.

I have the honor to be, &c.,

SALVA.

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Livingston to Jefferson.†

PHILADELPHIA April 4, 1783.

SIR: I have the honor to inform you, by the direction of Congress, in answer to your letter of the 13th of March, "that they consider the object of your appointment as so far advanced as to render it unnecessary for you to pursue your voyage; and that Congress are well satisfied with the readiness you have shown in undertaking a service which from the present situation of affairs they apprehend can be dispensed with."

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\* MSS. Dep. of State; 2 Sparks' Dip. Rev. Corr., 432.

† MSS. Dep. of State; 6 Sparks' Dip. Rev. Corr., 233.

I have caused your account to be settled to the 1st of April, and hope to be able to send you the warrant for the amount to-morrow. If you please I will apply for such further sum as you may think proper to charge for the time that may be necessary to carry you home, as I think that within the spirit of the resolution of Congress.

I have the honor to be, &c.,

ROBERT R. LIVINGSTON.

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Paca to Livingston.\*

IN COUNCIL, ANNAPOLIS, *April 4, 1783.*

SIR: We have been honored with your favor of the 18th ultimo.

The requisitions made in your former letters have been regularly laid before the legislature of this State (Maryland), and we are very sorry to find that the early attention which their importance merited has not been paid to them.

The assembly at their last session passed an act directing persons to be appointed in each county to ascertain upon oath the damages done by the enemy within their respective counties and to report the same to this board. As soon as we are furnished with their returns you may rest assured, sir, that no time shall be lost in transmitting to you, properly authenticated, the information you have been solicitous to obtain.

With great regard and respect, &c.,

WILLIAM PACA.

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H. Laurens to Franklin.†

LONDON, *April 4, 1783.*

SIR: I had the honor of receiving your letter of the 20th ulto. on the 31st.

It affords me great satisfaction to receive your favorable sentiments respecting my transient residence on this spot. I might have selected a place more agreeable to my health and tranquillity and less expensive to my pocket. I have not been quite idle nor quite unsuccessful in my endeavors to promote the honor and interest of our country.

I have displayed the error of calling men [patriots] whose fears or whose avarice prompted some of them to act on both sides, restrained others to a mean and shuffling neutrality, others again who by maliciously blowing a spark, which but for them might have been happily extinguished, have involved this kingdom in disgrace and almost ruin.

Mr. Pitt told the House of Commons the commissioners at Paris were well pleased with the outlines of the provincial bill; the one in London

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\* MSS. Dep. of State; 6 Sparks' Dip. Rev. Corr., 233.

† MSS. Dep. of State.

smiled at the report and said he could trust his colleagues. It was pretty notorious that he had been on the reserve, save now and then dropping a cautionary hint to beware of the old error of legislating for the United States. My opinion had been often asked, but for the most obvious reasons I declined an interference. At length I framed an American bill for regulating commerce with Great Britain, and held it up to the proper characters as a mirror. From that time (the 22d March), their own bill, which was to have been finished on the 23d, has slept with very little interruption. You will receive a copy of the American bill enclosed, which I presented as coming by an expeditious courier in five days.

Government, as 'tis called, is again restored to Great Britain, an administration is formed, an administration which presents to me a prospect of doing business with us immediately and effectually. I shall know more of this matter before I seal, meaning presently to pay compliments of congratulation.

The acquiescence of Spain in the boundary lines is excellent, though I believe very mortifying to some folks here, who I have every reason to believe harbored intentions of renewing the quarrel.

I am as much at a loss as you are to know what employment can be found for mediators; probably 'tis only "talk," but if they come, we must meet them. Our ground is fair. I have now transmitted to Mr. Adams such proofs of Mr. Jennings' dishonor as will certainly induce our colleague to think him a very unfit person for a confidential friend in the business of the United States.

My son and daughter desire to join with me in respectful compliments and every good wish to yourself and Mr. Franklin. We shall prepare to-morrow for paying a visit to Passy. I fancy Mr. Oswald will not be of our party. A letter which I herewith forward from our friend Mr. Hartley will probably clear up that point.

I have the honor to be, with the most affectionate esteem and regard, sir, your obedient and very humble servant,

HENRY LAURENS.

P. S.—I have had a conference with Mr. Fox, reserving neither to commit nor pledge myself for any opinion I might give. Mr. Fox discovered a disposition to proceed to business with us with liberality and effect. I urged the necessity of concluding the definitive treaty and withdrawing the British forces from the United States without delay. In answer to supposed difficulties in obtaining transport ships, I proposed the troops to be removed to Long or Staten Island, and added, that we might not insist upon hostages for their peaceable behavior and final removal, though some powers would. That the State of New York ought immediately to be put in possession of the city and port. Upon the whole, the secretary of state asked if he might report "that I believed there was a disposition and powers on the part of the Ameri-

can commissioners to open an intercourse and commerce of terms of reciprocity without delay. I assented as my belief and opinion. I hope for the honor of saluting you within ten days.

Be pleased, sir, to communicate this P. S. to Mr. Adams and Mr. Jay.  
H. L.

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H. Laurens to the Secretary of Foreign Affairs.\*

LONDON, *April 5, 1783.*

SIR: With this you will receive the triplicate of a letter which I had the honor of writing on the 15th of March. I beg leave to refer to its contents. A third bill, called "an amendment for a provisional establishment and regulation of trade," &c., had been brought into the House of Commons. My opinion was again solicited by different members, which, as usual, I thought it prudent to withhold; but being pressed, I at length framed a supposed American bill for regulating commerce with Great Britain, and suggested that it had been received by a courier. This I held up as a mirror to some of the most active men in that House. From that time, the 22d of March, their own bill, which was to have been finished on the 23d, has slept with very little interruption, and is now to all appearance dead. I do not ascribe its demise to a sight of the supposed bill, a copy of which you will receive enclosed, although the gentlemen acknowledged themselves affected by it.

A new ministry is at length arranged, the Duke of Portland at the head, Mr. Fox, and Lord North, the latter of whom is universally charged with being the author of the late cruel war, secretaries of state. The Duke of Richmond, whom it is said detests the coalition, has resigned. It becomes not me to interfere with or censure an arrangement of servants in this kingdom. I am attentive to the honor and interests of the United States.

I have had a conference with Mr. Fox, who has the foreign department, in which is included the United States as an independent power. It was stipulated that nothing I should say as a matter of opinion or belief on my part should either commit or pledge me. I judged it necessary to establish this foundation. Mr. Fox was desirous of knowing whether the American ministers were authorised and disposed to open an intercourse and commerce upon terms of reciprocity without delay. I replied I believed they were, although a late publication, by a suspected hand, of the revocation of Mr. Adams' commission left me not so clear on that point, adding that I could soon be informed from Paris. At the same time I urged, as necessary previous or accompanying steps, the conclusion of a definitive treaty, and the withdrawing of all the British troops from the United States. In answer to supposed difficulties

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\* MSS. Dep. of State; 1 Sparks' Dip. Rev. Corr., 736.



in obtaining transport ships I proposed the removal of the troops to Long Island or Staten Island, adding that some powers might in a similar case insist upon hostages for their peaceable behavior and final removal. I thought it absolutely necessary that the State of New York should be put in immediate possession of the city and port. Mr. Fox, as the Duke of Portland had done before him, discovered a disposition to proceed to business with us with liberality and effect, and I place all proper confidence in their assurances. Upon the whole, Mr. Fox asked if he might report that I believed there was a disposition and powers on the part of the American ministers to open an intercourse and commerce upon terms of reciprocity without delay? I assented, as my belief and opinion, under the reservations above mentioned. I shall proceed immediately to Paris, as my colleagues are desirous of my presence. David Hartley is, or it is said will be, appointed to join us in finishing our negotiations of a perfect peace. While I regret the loss of Mr. Oswald on this occasion, the nomination of another honest man affords me great satisfaction. From France, or before I commence my journey, I shall transmit what may be further necessary.

I have the honor to be, &c.,

HENRY LAURENS.

P. S.—I take the liberty of enclosing letters for L. R. Morris, for the delegates from the State of South Carolina, and one for his excellency General Washington.

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**Franklin to the Grand Master of Malta.\***

PASSY, April 6, 1783.

MY LORD, I have the honor to address to your eminent highness the medal which I have lately had struck. It is a homage of gratitude, my lord, which is due to the interest you have taken in our cause, and we no less owe it to your virtues and to your eminent highness' wise administration of government.

Permit me, my lord, to demand your protection for such of our citizens as circumstances may lead to your ports. I hope that your eminent highness will be pleased to grant it to them, and kindly receive the assurances of the profound respect with which I am, my lord, &c.,

B. FRANKLIN.

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\* 2 Sparks' Dip. Rev. Corr., 433.

Sir Guy Carleton to Livingston.\*

NEW YORK, April 6, 1783.

SIR : A packet from England arrived at this port last night, by which I have despatches from Mr. Townshend, one of his majesty's principal secretaries of state, communicating official intelligence that preliminary articles of peace with France and Spain were signed at Paris on the 20th of January last, and that the ratifications have been since exchanged at the same place.

The King, sir, has been pleased, in consequence of these events, to order a proclamation to be published, declaring a cessation of arms,† as well by sea as land, and his majesty's pleasure signified that I should cause the same to be published in all places under my command, in order that his majesty's subjects may pay immediate and due obedience thereto, and such proclamation I shall accordingly cause to be made on Tuesday next, the 8th instant.

In consequence thereof, and in conformity to the articles of peace, all our prisoners of war are to be set at liberty and restored with all convenient despatch ; entertaining no doubt but that similar measures will be taken on the part of the United States of America. In like manner no doubt can be entertained but that Congress, in conformity to the fifth article of the provisional treaty, will lose no time in earnestly recommending to the legislatures of the respective States to provide for the restitution of confiscated estates, and to reconsider and revise all laws of confiscation, that they may be rendered perfectly consistent not only with justice and equity, but with that spirit of conciliation which on the return of the blessings of peace should universally prevail.

And I am further to inform you, sir, that an instrument of accession to the suspension of hostilities by the States-General of the United Provinces having been received in England, a cessation of arms with those States has been thereupon included in the proclamation.

Upon this great occasion, sir, I am to offer my strongest assurances that during the short period of my command here I shall be ready and earnest to cultivate that spirit of perfect good-will which between the United States of America and the King of Great Britain and the subjects and the citizens of both countries will I trust always remain.

I am, with much consideration, sir, &c.,

GUY CARLETON.

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\* MSS. Dep. of State; 6 Sparks' Dip. Rev. Corr., 234.

† See this proclamation *supra*, under date of February 14, 1783.

APRIL 7, 1783.

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Admiral Digby to Livingston.\*

LION, OFF NEW YORK, *April 6, 1783.*

SIR: I have this moment received the enclosed proclamation from his majesty's secretary of state, and shall immediately despatch one of the sloops-of-war to withdraw all my cruisers upon this coast, and shall also release all the prisoners as quickly as I can dispose of them in the most convenient way to themselves.

I am, sir, etc.,

ROBERT DIGBY.

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Morris to the Governors of the States.†

OFFICE OF FINANCE, *April 7, 1783.*

SIR: I do myself the honor to enclose for your excellency's perusal and the consideration of your legislature a statement of receipts and expenditures for the years 1781 and 1782, so far as the same have fallen under my administration. You will also find enclosed the general accounts of receipts from the States and subsequent payments into the treasury for the last year, together with the particular account of your State for that period. I shall not trouble your excellency with any comments on these accounts.

I have the honor to be, etc.,

ROBERT MORRIS.

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Morris to the Receivers of Continental Taxes in the Several States.‡

OFFICE OF FINANCE, *April 7, 1783.*

SIR: I enclose you an account of the public receipts and expenditures from the commencement of my administration to the close of last year. While, in compliance with what I conceive to be the duty of those entrusted with expenditures of public money, I publish these accounts, I can not but blush to see the shameful deficiency of the States. You will, I hope, take occasion to make the proper remarks; and, indeed, it were to be wished that some able writers would rouse the attention of your legislature to our situation. Surely the pride and good sense of the people will combine in stimulating them to exert themselves so as to stand on their own feet and not owe a support to the precarious bounty of foreign powers.

I am, sir, &c.,

ROBERT MORRIS.

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\* MSS. Dep. of State; 6 Sparks' Dip. Rev. Corr., 235.

† MSS. Dep. of State; 6 Sparks' Dip. Rev. Corr., 598.

‡ 6 Sparks' Dip. Rev. Corr., 598.

Jay to Livingston.\*

PARIS, April 7, 1783.

DEAR SIR: After the preliminaries had been settled and ratified, the Spanish ambassador informed me that his court was ready to receive me, not only in form, but "*très honnetement*." He then expected full instructions relative to the proposed treaty.

The Marquis de la Fayette, in his journey through Madrid, manifested great zeal to serve us there. A copy of a letter from him to the minister will be sent you by another opportunity, though I imagine he has already forwarded it.

On the 29th ultimo the Spanish ambassador communicated to me the desire of his court that I would return to Madrid and there complete the treaty, for that in their opinion it ought to be concluded either at *Madrid* or at *Philadelphia*.

You will have this communication at large in another letter.

No ministry yet in England, nor any news of Barney, nor from you, since the 3d of January.

The definitive treaties must be concluded and the heats of summer abated before either my business here or the very delicate state of my health will admit of a journey to Spain. Be assured of my esteem and regard.

I am, dear sir, &c.,

JOHN JAY.

Luzerne to Washington.†

[Translation.]

PHILADELPHIA, April 10, 1783.

SIR: I have to inform your excellency that I have just received instructions from the minister that, in consequence of the peace, the French troops actually here are to be sent to France without delay. If you see no cause to defer it, I shall accordingly take immediate measures for their departure. I impatiently wait the arrival of the Duc de Lauzun to give the necessary orders, as no definitive arrangements can be made in his absence.

I have the honor to be, &c.,

LUZERNE.

Livingston to the President of Congress.‡

PHILADELPHIA, April 10, 1783.

SIR: I do myself the honor to enclose the draft of a proclamation for the suspension of hostilities between the United States and Great Britain and the resolution for the discharge of prisoners, together

\* MSS. Dep. of State; 4 Sparks' Dip. Rev. Corr., 530.

† MSS. Dep. of State; 6 Sparks' Dip. Rev. Corr., 120.

‡ MSS. Dep. of State; 6 Sparks' Dip. Rev. Corr., 236.

with one for referring a part of Mr. Adams' letters, which is all that is necessary to report upon the letters referred to me.

I have the honor to be, &c.,

ROBERT R. LIVINGSTON.

Livingston to the President of Congress.\*

OFFICE OF FOREIGN AFFAIRS,

April 10, 1783.

SIR: I have the honor to lay before Congress two letters, received yesterday by express from New York, the one from General Carleton and the other from Rear-Admiral Digby. Both covered copies of his Britannic majesty's proclamation for a cessation of hostilities. I presume Congress will consider this advice as sufficiently authentic to justify the discharge of their prisoners, who are now a useless expense, though not so much so as to render it proper to proceed to the measures directed by the fifth article of the provisional treaty till that treaty is officially communicated and ratifications exchanged.

I am at a loss to determine when hostilities are of right to cease between the United States and Great Britain. If, as the proclamation asserts, the times therein mentioned were agreed between the ministers of the several powers at war to take effect upon their respective ratifications, then hostilities have not yet ceased between us and Great Britain except so far as the King of Great Britain has thought proper to shorten the term by his special act. If no such ratification was necessary on our part, then hostilities ceased immediately after ratifications were exchanged between France and England. If the same term has been fixed for the cessation of hostilities between the United States and Great Britain as that agreed upon between France and Great Britain, then it becomes a question what is meant by "*as far as the Western Islands?*" If it refers to the latitude, then all prizes made after the 3d of March, on the greater part of our coast, must be restored. As much property may depend upon the decision of these questions, I presume Congress will do no act which shall lead to a determination of it till we receive further advices from our own ministers.

I shall be pardoned when I take the liberty to request that the enclosed letters may not find their way into the papers, unless Congress shall determine that this publication may answer some useful purposes.

I have the honor to be, sir, &c.,

ROBERT R. LIVINGSTON.

\* MSS. Dep. of State; 6 Sparks' Dip. Rev. Corr., 235, with verbal changes.

H. Laurens to Livingston.\*

LONDON, *April 10, 1783.*

SIR: I beg leave to refer you to the enclosed duplicate of my last, of the 5th inst. The "bill for a provisional establishment and regulation of trade," &c., seems to be dead indeed. Mr. Fox yesterday moved for reading the titles of the act commonly called the prohibitory act and the act for granting letters of marque, which being read, he moved for leave to bring in a bill for repealing so much of said acts as prohibit trade and intercourse with the United States of America, which was ordered accordingly. My anxiety to see the final turn of this business has detained me in London three or four days longer than I had intended. I shall call upon Mr. Fox presently, and if anything new occurs it shall be noticed in a postscript. Immediately after sealing this packet I shall begin my journey to Paris. Mr. Hartley tells me he will follow upon the 15th instant. I shall enclose a copy of the amendment, called the third bill, for the information of Congress. Mr. Darby, the gentleman who will be so good as to deliver this, has promised me also to deliver a packet of the latest newspapers.

I have the honor to be, &c.,

HENRY LAURENS.

P. S.—I have conversed with Mr. Fox, from whom the body of merchants by deputation had just retired. Their errand, as I learned, was on the business of opening the communication between Great Britain and the United States. There is a general and pressing eagerness to that point. I repeated the propriety and necessity of withdrawing the troops and of restoring to New York their city and port. Mr. Fox, in return, gave the strongest assurances that this should be done with the utmost despatch, and promised to send to the ministers at Paris a copy of the orders to be given for that purpose; he further informed me that he intended to introduce into the new bill the clause on page 4 in the bill, No. 2, here enclosed, to which I made only a general reply, that when their plan was completed the American ministers at Paris would give it due consideration, and that on our part every facility would also be given to reasonable propositions, consistent with our instructions. That in the present moment I could not speak in positive terms to particular points.

H. L.

APRIL 16.

P. S.—Just arrived at Paris. Mr. Hartley is expected the 19th. From the latest words with that gentleman, which happened subsequently to closing the above, I entertain apprehensions that his principal errand will be to open a trade between the two countries, with assurances that the troops shall be removed "as speedily as possible," and to take up the definitive treaty at more leisure. I afforded him no encouragement to hope for success in the former point singly.

Livingston to Sir Guy Carleton.\*

PHILADELPHIA, April 11, 1783.

SIR: I received your letter of the 6th instant, informing me of the arrival of a packet, by which you have official intelligence that the preliminary articles of peace with France and Spain were signed at Paris on the 20th of January last; that the ratifications have been since exchanged, and that his Britannic majesty has ordered a cessation of arms to be proclaimed, as well by sea as by land; and that you propose, agreeably to his orders, to issue a similar proclamation, and to set at liberty your prisoners of war.

This interesting intelligence was communicated to the United States in Congress, who, though they had yet received no official accounts, would immediately have made it the basis of pacific measures, without entertaining doubts of its authenticity, or yielding to suspicions which would tend to prolong the calamities of war; but while these measures were under consideration they received from their ministers official advices of the agreement between them and the Court of Great Britain relative to a cessation of hostilities, on which they had founded the enclosed proclamation.† They have likewise under consideration measures for the discharge of their prisoners; these measures will be carried into effect as soon as possible after they are determined on.

It cannot be doubted, sir, as you justly observe, that Congress will embrace the earliest opportunity to perform the stipulations contained in the fifth, as well as every other, of the provisional articles immediately after the same shall have been ratified. In the meanwhile, it must be obvious to your excellency that a recommendation to restore to the loyalists the estates they have forfeited will come with less weight before legislatures composed of men whose property is still withheld from them by the continuance of his Britannic majesty's fleets and armies in this country than it will do when peace and the full enjoyment of their rights shall have worn down those asperities which have grown out of eight years' war. This reflection will, I doubt not, induce you to give every facility in your power to the execution of the seventh article of the provisional treaty, and to fix as early a day for the evacuation of New York and its dependencies as may consist with your orders.

I give the fullest credit, sir, to your assurances that you are ready to cultivate the spirit of harmony and good-will between the subjects and citizens of his Britannic majesty and these States, since I find them warranted by the humanity which has uniformly distinguished your command in America. But, sir, time only, with liberality in those who govern both countries, can entirely efface the remembrance of what has

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\* MSS. Dep. of State; 6 Sparks' Dip. Rev. Corr., 237

† See this proclamation *infra*, under date of April 12, 1783,

passed, and produce that perfect good-will which I sincerely concur with you in wishing to cultivate.

I am, sir, &c.,

ROBERT R. LIVINGSTON.

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Jay to Livingston.\*

PARIS, *April 11, 1783.*

DEAR SIR: I wrote you a short letter on the 7th instant. Certain intelligence has since arrived from England that the Duke of Portland is first lord of the treasury, Mr. Fox and Lord North secretaries of state, and Lord John Cavendish chancellor of the exchequer. It is also said that Lord Stormont is president of the council, and the Duke of Manchester ambassador to Versailles. I hear that Mr. David Hartley is appointed to conclude a definitive treaty with us.

The emperor and Russia have been requested in their mediatorial capacity to send plenipotentiaries to assist at the definitive treaties. The true motives to this measure can as yet be only conjectured. The ostensible one is a mark of respect to their offered, but not accepted, mediation. The proposition originated here. Their answer is expected daily. It is whispered that Russia consents. Safe opportunities of sending important letters from hence to Madrid are so very rare, that I think yours for that place had better be always conveyed directed to Cadiz or other ports in Spain, where some American of confidence may be settled.

Numberless applications for consulships continue to be made, and some will probably reach you. In my opinion, Americans only should be employed to serve America. I early entertained this opinion, and it has been almost daily gathering strength since my arrival in Europe.

I have the honor to be, &c.,

JOHN JAY.

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Livingston's Circular to the Governors of the States.†

PHILADELPHIA, *April 12, 1783.*

SIR: Permit me to offer you my congratulations on the important event announced by the United States in Congress in the enclosed proclamation for the cessation of hostilities—an event which is not only pleasing, as it relieves us from the accumulated distresses of war in the bowels of our country, but as it affords the fairest and most flattering prospects of its future greatness and prosperity. I need not, I am persuaded, sir, use any arguments to urge your excellency and the

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\* MSS. Dep. of State; 4 Sparks' Dip. Rev. Corr., 531.

† MSS. Dep. of State; 6 Sparks' Dip. Rev. Corr., 240.



State over which you preside to the most scrupulous attention to the execution of every stipulation in our treaty which may depend on you or them. A national character is now to be acquired. I venture to hope that it will be worthy of the struggles by which we became a nation.

I have the honor to be, &c.,

ROBERT R. LIVINGSTON.

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Livingston to Washington.\*

PHILADELPHIA *April 12, 1783.*

DEAR SIR: I congratulate your excellency most sincerely upon the cessation of hostilities, which you will learn from the enclosed proclamation. You will doubtless have heard directly from General Carleton on the subject, so that it will not be necessary to trouble you with the substance of his letter to me.

Congress will this day, upon my report, take into consideration the propriety of discharging the prisoners and the manner in which it is to be done. Sir Guy Carleton presses hard in his letter for the execution of the fifth of the preliminary articles. I have replied that it cannot be executed till the treaty is ratified; and in the mean time endeavored to convince him that the recommendation of Congress will be received with much more respect when the persons who compose our legislatures have returned to their respective homes and the asperities occasioned by the war shall be a little worn down by the enjoyment of peace. It is a very capital omission in our treaty that no time has been fixed for the evacuation of New York. It were to be wished that General Carleton's intentions on this head could be sounded by your excellency.

I have the honor to be, dear sir, &c.,

ROBERT R. LIVINGSTON.

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Livingston to Admiral Digby.†

PHILADELPHIA, *April 12, 1783.*

SIR: I received your letter enclosing a proclamation for the suspension of hostilities, and informing me of your design to recall your cruisers and release your prisoners. In return, sir, I have the pleasure to enclose a proclamation by the United States of America for a suspension of hostilities. Congress have the measures necessary for the return of their prisoners under consideration; I shall acquaint you with those they adopt.

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\* MSS. Dep. of State; 6 Sparks' Dip. Rev. Corr., 240; 4 Letters to Washington, 22.

† MSS. Dep. of State; 6 Sparks' Dip. Rev. Corr., 239, with verbal changes.

The resolution transmitted in my last has already informed you that the humanity of Congress induced them, on the first intimation of cessation of hostilities, to recall their cruisers. It is to be hoped, that no difficulties will arise on either side as to the restitution of vessels as may have been taken after the epoch mentioned in the proclamations of his Britannic majesty and the United States; for though this may be of no great moment when considered in a national light yet it becomes important from the number of captures made on the coast within the latitude of the Canaries since the 3d of March last, as well as from the presages which the first steps may furnish of the prospect that will in future be paid to the stipulations in the treaty.

The gentleman who delivered me your letter will inform you that it came open to my hand from a mistake in the direction. I am so far persuaded, sir, that I do not deceive myself when I impute this rather to mistake than to the principle which governed in some instance at an early period of the late war, that I should not have noticed it but to prevent in future the inconveniences with which it has been attended in this instance.

I am, &c.,

ROBERT R. LIVINGSTON

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**Proclamation of Congress Declaring a Cessation of Arms.\***

APRIL 12, 1798

BY THE UNITED STATES OF AMERICA, IN CONGRESS ASSEMBLED

**A PROCLAMATION**

Declaring the cessation of arms, as well by sea as by land, agreed upon between the United States of America and his Britannic majesty, and enjoining the observance thereof.

Whereas provisional articles were signed at Paris on the 30th of November last between the ministers plenipotentiary of the United States of America for treating of peace and the minister plenipotentiary of his Britannic majesty, to be inserted in and to constitute the treaty of peace proposed to be concluded between the United States of America and his Britannic majesty when terms of peace should be agreed upon between their most Christian and Britannic majesties; whereas preliminaries for restoring peace between their most Christian and Britannic majesties were signed at Versailles on the 20th day of January last by the ministers of their most Christian and Britannic majesties; and whereas preliminaries for restoring peace between said King of Great Britain and the King of Spain were also signed

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\* 5 Sparks' Dip. Rev. Corr., 483.

Versailles on the same 20th day of January last—by which said preliminary articles it has been agreed, that as soon as the same were ratified, hostilities between the said Kings, their kingdoms, states, and subjects, should cease in all parts of the world; and it was further agreed, that all vessels and effects that might be taken in the channel and in the North seas, after the space of twelve days from the ratification of the said preliminary articles should be restored; that the term should be one month from the channel and North seas as far as the Canary Islands, inclusively, whether in the ocean or the Mediterranean; two months from the said Canary Islands as far as the equinoctial line or equator; and lastly, five months in all other parts of the world, without any exception or more particular description of time or place.

And whereas it was declared by the minister plenipotentiary of the King of Great Britain, in the name and by the express order of the King his master, on the said 20th day of January last, that the said United States of America, their subjects and their possessions, shall be comprised in the above-mentioned suspension of arms at the same epochs and in the same manner as the three crowns above mentioned, their subjects and possessions respectively, upon condition, that, on the part and in the name of the United States of America, a similar declaration shall be delivered, expressly declaring their assent to the said suspension of arms, and containing an assurance of the most perfect reciprocity on their part;

And whereas the ministers plenipotentiary of these United States did, on the 20th day of January, in the name and by the authority of the said United States, accept the said declaration, and declare that the said States should cause all hostilities to cease against his Britannic majesty, his subjects and his possessions, at the terms and epochs agreed upon between his said majesty the King of Great Britain, his majesty the King of France, and his majesty the King of Spain, so and in the same manner as had been agreed upon between those three crowns, and to produce the same effects;

And whereas the ratifications of the said preliminary articles between their most Christian and Britannic majesties were exchanged by their ministers on the 3d day of February last; and between his Britannic majesty and the King of Spain on the 9th day of February last;

And whereas it is our will and pleasure that the cessation of hostilities between the United States of America and his Britannic majesty should be conformable to the epochs fixed between their most Christian and Britannic majesties:

We have thought fit to make known the same to the citizens of these States; and we hereby strictly charge and command all our officers, both by sea and land, and other subjects of these United States, to forbear all acts of hostility, either by sea or by land, against his Britannic majesty or his subjects, from and after the respective times agreed upon between their most Christian and Britannic majesties, as aforesaid.

And we do further require all governors and others, the executive powers of these United States respectively, to cause this our proclamation to be made public, to the end that the same may be duly observed within their several jurisdictions.

Given under the seal of the United States. Witness his excellency Elias Boudinot, President, this twelfth day of April, in the year of our Lord one thousand seven hundred and eighty-three, and of the sovereignty and independence of the United States the seventh.

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Livingston to General Greene.\*

PHILADELPHIA, April 12, 1783.

DEAR SIR: I am now to congratulate you on the return of peace and a cessation from your labor. I some time since sent you the provisional treaty between Great Britain and the United States. On Wednesday last Sir Guy Carleton sent me the enclosed proclamation of his Britannic majesty, and informed me that he had directed a similar proclamation to issue at New York, and proposed to discharge all our prisoners. I had a letter from Admiral Digby to the same effect. The next day I received advices of the agreement of the cessation of hostilities from our ministers. Congress, in consequence of these advices, yesterday issued the enclosed proclamation.

I reported to them on the propriety of releasing their prisoners. The report is to be considered to-day, and I doubt not that it will be agreed to. The British Parliament appear to be extremely dissatisfied at the terms of peace. A majority, headed by Lord North, has been obtained against the administration, so that I think Lord Shelburne has little prospect of continuing in the administration, but this is of no consequence to us, unless we are bound to like an administration that has served us against their will. As doubts may arise with respect to the restitution of prizes taken after the epoch fixed by the proclamation, it may not be improper for me to mention to you that we conceive that hostilities ceased in those parts of the Atlantic Ocean which lay in the same *latitude* with the Canaries on the 3d of March.

I am, sir, &c.,

ROBERT R. LIVINGSTON.

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Franklin to Rosencrone.†

PASSY, April 13, 1783.

DEAR SIR: Monsieur de Walterstorff has communicated to me a letter from your excellency which affords me great pleasure, as it expresses in clear and strong terms the good disposition of your court‡ to

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\* MSS. Dep. of State; 6 Sparks' Dip. Rev. Corr., 237.

† MSS. Dep. of State; 2 Sparks' Dip. Rev. Corr., 433; 8 Bigelow's Franklin, 276.

‡ The court of Denmark. See Rosencrone to Walterstorff, February 22, 1783, *supra*.

form connexions of friendship and commerce with the United States of America. I am confident that the same good disposition will be found in the Congress; and having acquainted that respectable body with the purport of your letter, I expect a commission will soon be sent, appointing some person in Europe to enter into a treaty with his majesty the King of Denmark for the purpose desired.

In the mean time, to prepare and forward the business as much as may be, I send, for your excellency's consideration, such a sketch as you mention, formed on the basis of our treaty with Holland, on which I shall be glad to receive your excellency's sentiments. And I hope that this transaction, when completed, may be the means of producing and securing a long and happy friendship between our two nations.

To smooth the way for obtaining this desirable end, as well as to comply with my duty, it becomes necessary for me to mention to your excellency the affair of our three prizes, which, having during the war entered Bergen as a neutral and friendly port, where they might repair the damages they had suffered and procure provisions, were, by an order of your predecessor in the office you so honorably fill, violently seized and delivered to our enemies. I am inclined to think it was a hasty act, procured by the importunities and misrepresentations of the British minister, and that your government could not, on reflection, approve of it. But the injury was done, and I flatter myself your excellency will think with me that it ought to be repaired. The means and manner I beg leave to recommend to your consideration, and am, with great respect, sir, &c.,

B. FRANKLIN.

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J. Adams to Livingston.\*

PARIS, April 14, 1783.

SIR: You may easily imagine our anxiety to hear from America, when you know that we have no news to this hour either of your reception of the news of peace, or that of the treaty with Holland, four copies of which I put on board different vessels at Amsterdam in October.

We have been in equal uncertainty about the turn which affairs might take in England. But by letters from Mr. Laurens we expect him every day, and Mr. David Hartley with him, in order to complete the definitive treaty. It would have been more agreeable to have finished with Mr. Oswald. But the present ministry are so dissatisfied with what is past, as they say, though nobody believes them, that they choose to change hands.

It will be proposed, I believe, to make a temporary arrangement of commercial matters, as our powers are not competent to a durable one, if to any. Congress will no doubt soon send a minister with full powers,

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\*MS. Dep. of State; 4 Sparks' Dip. Rev. Corr., 21; 8 J. Adams' Works, 54.

as the treaty of commerce with Great Britain is of great importance, and our affairs in that country require an overseer.

It is confidently asserted in letters from Holland that M. Markow, the minister plenipotentiary from the Empress of Russia, has received from his mistress a full power to come to Paris to the assistance of the Prince Bariatinski at a congress for a general pacification. There is as yet no answer received from the Emperor. If the two Imperial courts accept of the mediation, there will be a congress; but I suppose it will relate chiefly to the affairs of Holland, which are not yet arranged, and to the liberty of neutral navigation, which is their principal point. I wish success to that Republic in this negotiation, which will help to compose their interior disorders, which are alarming.

I do not know whether it will be insisted or expected that we should join in the congress, nor do I know what we have to do in it, unless it be to settle that point so far as it relates to us. There is nothing in difference between us and Great Britain which we can not adjust ourselves without any mediation.

A spring passage to America is so great an object, that I should be very sorry to have the negotiations spun out to such a length as to oblige me to lose it, and I take it for granted I shall now receive the acceptance of my resignation by the first ships.

I have the honor to be, &c.,

JOHN ADAMS.

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Livingston to J. Adams.\*

PHILADELPHIA, April 14, 1783.

SIR: I received two days ago your favors of the 22d and 23d of January, with the declaration for the cessation of hostilities, on which a doubt of much importance to the people of this country is started, to wit., to know at what period hostilities ceased on this coast—that is, what is meant by “as far as the Canaries.” If it means in the same *latitude*, hostilities ceased here the 3d of March, and a great number of vessels must be restored. If it does not mean a latitudinal line, what does it mean which carries any certainty with it! The terms of the provisional treaty also occasion much debate. A variety of questions have been started, but these I shall speak of in my letter to you in conjunction with your colleagues, that you may, if opportunity should offer before the definitive treaty is concluded, find some means to rid them of their ambiguity.

It would give me pain to find that the Dutch do not attain their objects in the close of the war, and still more to impute their misfortunes to any desertion of their interests by France, since I confess freely to you, that her conduct, as far I have observed it, has appeared to me in

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\*MSS. Dep. of State; 4 Sparks' Dip. Rev. Corr., 19, with verbal changes.

the highest degree generous and disinterested. The extreme languor of the Dutch, their divisions, and the less than nothing that they have done for themselves, entitle them to little. Without the uncommon exertions of France, they would not have had a single settlement left either in the East or West Indies. So that they lay absolutely at her mercy, and, therefore, I was pleased to find their instructions to their ministers so expressed as to leave no room to fear that they would obstruct the peace, when they contributed so little to the prosecution of the war. But I rather pitied than blamed their weakness; they were torn by factions, and clogged by an executive which strove to find reasons for having no execution.

Congress, the day before yesterday, agreed to ratify the Provisional Articles as such, and to release their prisoners, in which the British took the lead. The Tories have little reliance upon the effect of the recommendations of Congress; great numbers of them have sailed, and are daily sailing, for Nova Scotia.

With respect to your salary, I must pray you to settle with Dr. Franklin the amount of bills drawn in your favor. You will, with those that go by this conveyance, receive the amount of three quarters' salary, at two thousand seven hundred and seventy-seven dollars and sixty-eight ninetieths per quarter, which were laid out in bills at six shillings three pence this money, for five livres, which was a very advantageous exchange for you. This, however, Congress have directed, by the enclosed resolution, to be altered, and your salaries to be paid in bills at the rate of five livres five sous per dollar. As this resolution retrospects you will have, with the bills transmitted to you, — livres more than is due for three quarters' salary. This will be deducted from the last quarter, for which I will get a warrant, and leave it with the Treasury here for you or your order. By settling this matter with Dr. Franklin, and redrawing upon your banker in Holland, you will leave my accounts unembarrassed, which is of consequence to me, as I have determined to quit the place I now hold, in the course of a few weeks, and enjoy in retirement the pleasures of peace. I have charged no commissions on these money transactions, nor do I propose to charge any.

Your account of contingent expenses is before a committee. Should Congress agree to accept your resignation (which I am sorry to see you offer, since the connexions you have formed, and the experience you have acquired, might render you particularly serviceable in Holland), it will be best that you settle it with them yourself on your arrival. The want of permanent funds, and the opposition which some States have given to every attempt to establish them, the demands of the public creditors, and particularly of the army, have excited much uneasiness there. Satisfactory measures will, I hope, be adopted to calm it, and do ample justice. The army, whose proceedings I transmit, have done themselves honor by their conduct on this occasion. Too

much praise could not be given to the commander-in-chief for the share he had in the transaction, if he was not above all praise.

I have the honor to be, &c.,

ROBERT R. LIVINGSTON.

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Morris to a Committee of Congress.\*

OFFICE OF FINANCE, April 14, 1783.

GENTLEMEN: Since the conference I had the honor to hold with you on the 9th instant, my mind has been continually occupied on the important subject to which it relates. My feelings are strongly excited by what I wish for the public, and by what I apprehend both for them and for myself.

The two points which relate to my department are the settlement of accounts and advance of pay. With respect to the first, it is now going on in a satisfactory manner, and will be as speedily accomplished as can reasonably be expected. The arrangements taken on that subject are of such a nature that I conceive the disbanding of the army need not be delayed until the settlement is completed, because the proper officers may be kept together although the men be dismissed. The amount of three months' pay, which is stated by the General to be *indispensable*, is, according to the estimate, seven hundred and fifty thousand dollars. From what I have already stated to Congress, it will appear that the reliance for a great part of this sum must be on the sales of public property and the taxes. Neither of these sources can produce much immediately, and from the latter there is but little hope at all, unless something can be done to stimulate the exertions of the States.

The receipts being regularly published, I am spared the necessity of disagreeable observations on that topic. To supply so large a sum as is required is utterly impracticable; or, indeed, to obtain any very considerable part. The most, therefore, which can be done is to risk a large paper anticipation. This is an operation of great delicacy, and it is essential to the success of it that my credit should be staked for the redemption. Do not imagine, gentlemen, that this declaration is dictated by vanity; it becomes my duty to mention truth. I had rather it had fallen from any other person, and I had much rather it did not exist. In issuing my notes to the required amount it would be necessary that I should give an express assurance of payment, and in so doing I should be answerable personally for about half a million when I leave this office, and depend on the arrangements of those who come after me to save me from ruin. I am willing to risk as much for this country as any man in America, but it can not be expected that I should put myself in so desperate a situation. To render the arrange-

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\* MSS. Dep. of State; 6 Sparks' Dip. Rev. Corr., 599., with verbal changes.



ments which that advance would require effectual, in an official point of view, would be a work of time, and the period of my official existence is nearly arrived.

Disbanding the army in a manner satisfactory to them and to the country is doubtless desirable, and although extremely difficult, is, I believe, practicable. I shall be very ready at all times, gentlemen, to give my advice and assistance to those who may be charged with that delicate and perilous undertaking, and I would go as far to effect it myself as any reasonable man could require. But though I would sacrifice much of my property, yet I can not risk my reputation as a man of integrity, nor expose myself to absolute ruin.

I am, gentlemen, with perfect respect, &c.,

ROBERT MORRIS.

Sir Guy Carleton to Livingston.\*

NEW YORK, April 14, 1783.

SIR: As I observe in the seventh article of the Provisional Treaty, it is agreed, after stipulating that "all prisoners on both sides shall be set at liberty," that "his Britannic Majesty shall, with all convenient speed, and without causing any destruction, or carrying away any negroes or other property of the American inhabitants, withdraw all his armies, garrisons, and fleets from the United States, and from every port, place, and harbor within the same," &c.; and as embarkations of persons and property are on the point of being made, I am to request that Congress would be pleased to empower any person or persons, on behalf of the United States, to be present at New York, and to assist such persons as shall be appointed by me to inspect and superintend all embarkations which the evacuation of this place may require; and they will be pleased to represent to me every infraction of the letter or spirit of the treaty, that redress may be immediately ordered.

I am, sir, &c.,

GUY CARLETON.

Franklin to Livingston.†

PASSY, April 15, 1783.

SIR: You complain sometimes of not hearing from us. It is now near three months since any of us have heard from America. I think our last letters came with General de Rochambeau. There is now a project under consideration for establishing monthly packet boats between France and New York, which I hope will be carried into execution; our correspondence then may be more regular and frequent.

\* MSS. Dep. of State; 6 Sparks' Dip. Rev. Corr., 241.

† MSS. Dep. of State; 2 Sparks' Dip. Rev. Corr., 434; 8 Bigelow's Franklin, 271.

I send herewith another copy of the treaty concluded with Sweden. I hope, however, that you will have received the former, and that the ratification is forwarded. The King, as the ambassador informs me, is now employed in examining the duties payable in his ports, with a view of lowering them in favor of America, and thereby encouraging and facilitating our mutual commerce.

M. de Walterstorff, chamberlain of the King of Denmark, formerly chief justice of the Danish West India Islands, was last year at Paris, where I had some acquaintance with him, and he is now returned hither. The newspapers have mentioned him as intended to be sent minister from his court to Congress, but he tells me no such appointment has yet been made. He assures me, however, that the King has a strong desire to have a treaty of friendship and commerce with the United States, and he has communicated to me a letter, which he received from M. Rosenerone, the minister for foreign affairs, expressing that disposition. I enclose a copy of the letter, and if Congress shall approve of entering into such a treaty with the King of Denmark, of which I told M. de Walterstorff I made no doubt, they will send to me, or whom else they shall think proper, the necessary instructions and powers for that purpose. In the mean time, to keep the business in train, I have sent to that minister for his consideration a translation of the plan, *mutatis mutandis*, which I received from Congress for a treaty with Sweden, accompanied by a letter, of which likewise I enclose a copy. I think it would be well to make it one of the instructions to whoever is commissioned for the treaty, that he previously procure satisfaction for the prizes mentioned in my letter.

The definitive treaties have met with great delays, partly by the tardiness of the Dutch, but principally from the distractions in the court of England, where for six or seven weeks there was properly no ministry, nor any business effected. They have at last settled a ministry, but of such a composition as does not promise to be lasting. The papers will inform you who they are. It is now said that Mr. Oswald, who signed the preliminaries, is not to return here, but that Mr. David Hartley comes in his stead to settle the definitive. A congress is also talked of, and that some use is to be made therein of the mediation formerly proposed of the Imperial courts. Mr. Hartley is an old friend of mine, and a strong lover of peace, so that I hope we shall not have much difficult discussion with him; but I could have been content to have finished with Mr. Oswald, whom we always found very reasonable.

Mr. Laurens, having left Bath, mended in his health, is daily expected at Paris, where Messieurs Jay and Adams still continue. Mr. Jefferson has not yet arrived, nor the *Romulus*, in which ship I am told he was to have taken his passage. I have been the more impatient of this delay, from the expectation given me of full letters by him. It is extraordinary that we should be so long without any arrivals from America in any part of Europe. We have as yet heard nothing of the reception of the

preliminary articles in America, though it is now nearly five months since they were signed. Barney, indeed, did not get away from hence before the middle of January, but copies went by other ships long before him. He waited some time for the money he carried, and afterwards was detained by violent contrary winds. He had a passport from England, and I hope arrived safe; though we have been in some pain for him, on account of a storm soon after he sailed.

The English merchants have shown great eagerness to reassume their commerce with America, but apprehending that our laws prohibiting that commerce would not be repealed till England had set the example by repealing theirs, a number of vessels they had loaded with goods have been detained in port, while the Parliament have been debating on the repealing bill, which has been altered two or three times, and is not agreed upon yet. It was at first proposed to give us equal privileges in trade with their own subjects, repealing thereby, with respect to us, so much of their navigation act as regards foreign nations. But that plan seems to be laid aside, and what will finally be done in the affair is uncertain. There is not a port in France, and few in Europe, from which I have not received several applications of persons desiring to be appointed consuls for America. They generally offer to execute the office for the honor of it, without salary. I suppose the Congress will wait to see what course commerce will take and in what places it will fix itself, in order to find where consuls will be necessary, before any appointments are made, and perhaps it will then be thought best to send some of our own people. If they are not allowed to trade, there must be a great expense for salaries. If they may trade, and are Americans, the fortunes they make will mostly settle in our own country at last. The agreement I was to make here respecting consuls has not yet been concluded. The article of trading is important. I think it would be well to reconsider it.

I have caused to be struck here the medal, which I formerly mentioned to you, the design of which you seemed to approve. I enclose one of them in silver, for the President of Congress, and one in copper for yourself; the impression on copper is thought to appear best, and you will soon receive a number for the members. I have presented one to the King, and another to the Queen, both in gold, and one in silver to each of the ministers, as a monumental acknowledgment, which may go down to future ages, of the obligations we are under to this nation. It is mighty well received, and gives general pleasure. If the Congress approve of it, as I hope they will, I may add something on the die (for those to be struck hereafter) to show that it was done by their order, which I could not venture to do till I had authority for it.

A multitude of people are continually applying to me personally, and by letters, for information respecting the means of transporting themselves, families, and fortunes to America. I give no encouragement to any of the King's subjects, as I think it would not be right in me to do

it, without their sovereign's approbation ; and, indeed, few offer from France but persons of irregular conduct and desperate circumstances, whom we had better be without ; but I think there will be great emigrations from England, Ireland, and Germany. There is a great contest among the ports, which of them shall be of those to be declared *free for the American trade*. Many applications are made to me to interest myself in the behalf of all them, but having no instructions on that head, and thinking it a matter more properly belonging to the consul, I have done nothing in it.

I have continued to send you the English papers. You will often see falsehoods in them respecting what I say and do, &c. You know those papers too well to make any contradiction of such stuff necessary from me.

Mr. Barclay is often ill, and I am afraid the settlement of our accounts will be, in his hands, a long operation. I shall be impatient at being detained here on that score, after the arrival of my successor. Would it not be well to join Mr. Ridley with Mr. Barclay for that service ? He resides in Paris, and seems active in business. I know not indeed whether he would undertake it, but wish he may.

The finances here are embarrassed, and a new loan is proposed by way of lottery, in which it is said by some calculators, the King will pay at the rate of seven per cent. I mention this to furnish you with a fresh convincing proof against cavillers of the King's generosity toward us, in lending us six millions this year at five per cent., and of his concern for our credit, in saving by that sum the honor of Mr. Morris' bills, while those drawn by his own officers abroad have their payment suspended for a year after they become due. You have been told that France might help us more liberally if she would. This last transaction is a demonstration of the contrary.

Please to show these last paragraphs to Mr. Morris, to whom I can not now write, the notice of this ship being short ; but it is less necessary, as Mr. Grand writes him fully.

With great esteem, &c.,

B. FRANKLIN.

P. S.—Mr. Laurens is just arrived.

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Morris to Hamilton.\*

OFFICE OF FINANCE, *April 16, 1783.*

SIR : I have been duly honored with the receipt of your favor of the 15th instant. I accepted the marine agency simply with a view to save the expense of the department ; but whenever a marine is to be established, a previous point would be (in my opinion) to nominate a minis-

ter of marine, and let his first work be the forming of those plans and systems which, when adopted by Congress, he would have to execute. For my own part, were my abilities equal to this task, my leisure would not permit the attempt.

With respect to the finances, I am of opinion that as we can not increase our revenue, we must do all we can to lessen our expenditures, and that, therefore, we should take off every expense not absolutely necessary as soon as possible.

On the subject of the coin, I hope soon to make a communication to Congress, which, if approved of by them, will complete the business.

I am, sir, &c.,

ROBERT MORRIS.

Dana to Livingston.\*

No. 23.

ST. PETERSBURGH, *April 17, 1783.*

SIR: My letter No. 20, 21, of the (24th of February) 7th of March, will have advised you that on that day I communicated my mission to the vice-chancellor by a letter, the translation of which was enclosed. By No. 21, of the 1st (12th) of March, you will have a particular account of the assurances mentioned in the former, and which, together with the general state of affairs, confirmed me in the opinion that I ought no longer to delay taking that step. I have not, however, yet had an answer to my letter. That the assurances I received were well founded at the time I think may not be doubted. What, it may be asked, has since taken place which could occasion any change? All that I know, or have heard of, is, that on the 7th of February, three days after, and before my letter had been laid before her majesty, a courier arrived with despatches for the French minister, inviting her Imperial majesty to mediate, in conjunction with the Emperor, at the conclusion of the definitive treaty of peace between the courts of Versailles, Madrid, and London. This invitation was immediately accepted; that an account has been received that the King of Sweden has concluded a treaty of commerce with the United States at Paris, or is at least in treaty with them for that purpose; that the King of France has signified to the Emperor that, since the Porte has made the concessions required by the Empress and supported by himself, he had reason to expect all military preparations would have ceased; that he cannot regard the continuance of them with indifference, &c., &c. Add to these things, that her majesty has been either so much indisposed, or particularly engaged, that she has not appeared at court for more than a month past.

Whether either of these circumstances has occasioned this delay is

to me as yet uncertain. I wait to see the effect of a second letter, which I propose to send to the vice-chancellor before I attempt to account for it. I have delayed sending this more than a fortnight, having been in daily expectation of an event which has not taken place, and which may have an influence in the case. I have omitted to write you by several posts, because I was in hopes all things which respect us would have been adjusted to mutual satisfaction, and I was unwilling to suggest anything to the contrary. But as Congress, from my former letters, may have expected that I might soon be on my way to America, and may, perhaps, name another minister for this court before they receive any intelligence of my reception, I think it incumbent upon me to make the present communication, that they may consider the expediency of sending another till they receive a certain account of my reception.

Whatever may be the event, I flatter myself if the general state of affairs at the time of the communication of my mission be considered, and especially the assurances which were given to me, it will not be thought that I have rashly precipitated that measure. It is difficult to conceive one solid objection against the admission of an American minister into any court in Europe after the acknowledgment of our independence by the King of Great Britain and the cessation of hostilities, which of course puts an end to all ideas of neutrality.

In this instant I am informed that the event above alluded to has taken place. I shall therefore send my second letter to-morrow, a copy of which I will forward by the next post, when I hope to have an answer to my first, which will make known the pleasure of her majesty concerning my mission. I have purposely avoided waiting upon the vice-chancellor in person, that I might obtain his answer, if possible, in writing. When I shall have received it, whether it be favorable or not, I shall desire an interview with him. In this course my correspondent concurs with me in opinion. I have only to pray Congress would be pleased to suspend their judgment upon this matter, and particularly upon my conduct in it, till they shall be fully informed of facts. All may yet end as we wish; it may end otherwise.

(Here follow eight lines of cipher.)

I have the honor to be, &c.,

FRANCIS DANA.

P. S.—I make use of the cipher I sent you by Mr. Adams' son, having laid yours aside for the reason there mentioned. Your printed one has not come to hand with your letter. Count Panin died since my last, much lamented. He had long lived a retired life in the city. His death, therefore, makes no change.

F. D.

Dumas to Livingston.\*

THE HAGUE, *April 18, 1783.*

SIR: Our friends are returned here to meet, provided with good instructions, not only in regard to the military jurisdiction but also to other subjects, which it will be agreeable here to see on the carpet of their noble and grand mightinesses the States of Holland. Those of Dort are in substance as follows:

I. To grant the annual requisition of the council of state for the department of war, except the forty or forty-five thousand florins which the high council of war expend for the Province annually, and which the city wishes to be struck off. The six other Provinces together pay about thirty thousand florins besides for the support of the council.

II. To exert themselves in inquiring into and reforming abuses which have been introduced into the army, and particularly, 1st. To prevent in future titular promotions, by which a prodigious number of officers are created with higher titles than their rank and pay entitle them to, which does not fail to cost the country 600,000 florins annually to no purpose. 2dly. To abolish the venality of the companies and other posts, which has existed for some time.

In Friesland they are equally firm. A Westphalian, having defrauded the revenue, was condemned to ten years' hard labor in prison. The regency of Munster having solicited his pardon, the counsellor deputies of Friesland, principally devoted to the court, reported thereon to the States of Friesland that the case was pardonable, but that the right of pardon being devolved on the Prince by the abdication of the right by the States, it was necessary to refer the affair to him. To disavow this pretended abdication, and because the case is one of those called royal cases, the States, in opposition to this report, granted the pardon without consulting the Prince.

In a fortnight a man imprisoned for disturbances on the 8th of March, the birthday of the Prince, will be whipped at Rotterdam. Two other of these fellows are in prison at Delft for having committed similar disorders at Overschie, a village near Rotterdam, in the jurisdiction of Delft. As they broke into houses they are in danger of being hung. A body of three hundred volunteers, of young men of the best families of Rotterdam, has been formed to maintain public order in case of any similar disturbances. They exercise daily, and have petitioned to be authorized by their regency. They will succeed, through the influence of the Burgomaster Van Berckel, who prevails in the legislative body of the city, notwithstanding the opposition of the Burgomaster Van der Heim, who is devoted to the court, and who has the majority in the executive.

The French ambassador will set out next Monday on a visit of several months to France. Meanwhile M. de Berenger, secretary of legation, will attend to the business of the embassy.

I have been requested to sound Mr. Dana to know "whether, in their high mightinesses should think proper to send full powers to the minister at Petersburg to conclude a treaty with the minister of the United States on the principles of the armed neutrality, Mr. Dana con-  
enter on such a negotiation." I have written him in consequence.

APRIL 23

On the 20th the French ambassador gave a farewell dinner, at which I had the honor to be present.

I wrote to Mr. Adams a letter on the 11th, of which I yesterday received an answer dated the 16th, and this morning waited upon Fagel, the secretary, to say to him that I had the satisfaction to be able to free their high mightinesses from all anxiety on the point of titles, assuring them that the United States had adopted no other than that of the *United States of America in Congress assembled*, and that the qualification of *Friends and Allies*, which their high mightinesses will accept, did not require to be enriched by any epithets. You see, sir, added that in America they practice the maxim of Boerhaave, *sigillum et simplex*. He approved this remark, and politely thanked me for the information. On leaving him I went to communicate the same thing to the pensionaries of Dort and Amsterdam, who said to me, smiling there is still one little thing that puzzled the secretary; it is not customary in Holland to say *you* in addressing any one, and he has been unable to find no expression but *El Edelere* (*Your Noblenesses*) in addressing the Congress. I answered in the same tone that the Americans recognize no other nobility than that of soul, and that as the same address would not, in my opinion, be disagreeable to them, if the secretary used it without any appendages.

I have the honor to be, &c.,

DUMAS

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Livingston to Dumas.\*

WITHOUT DATE

SIR: I have the honor to acknowledge the receipt of your letters No. 18, March 4th, inclusive, except No. 14, which has not come to hand. I am sorry to find by them that the ferment occasioned by the cause you explain continues to work. How far it may be necessary to put off the impurities which your government has contracted by long intestine, I will not pretend to say. It is certain, however, that the want of harmony in its different branches has had the most melancholy effect upon your operations the last war; and deprived you of important advantages in the conclusion of it. Though I sincerely wish that the struggles of your patriots may be attended with the same happy consequences with ours, yet I take the liberty to remind you that you

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\* MSS. Dep. of State; 5 Sparks' Dip. Rev. Corr., 381, with verbal changes.



public character puts you in a delicate situation with respect to them, that as a foreign nation, whatever we may wish, we have no right to express those wishes, or in any way to interfere in the internal disputes of our allies; that our conduct should show that we were the enemy of no party except so far as their measures were inimical to us. You will not, sir, consider this as a reproof, for I have not the smallest reason to believe that you have not made these reflections yourself, and acted conformably thereto. On the contrary, I rather conclude that you have, from the long habit in which you have been of conducting public affairs which require prudence and delicacy. I only mention it, therefore, as a caution which will not probably, but may possibly, be necessary to one who is animated by the spirit of freedom, and may, as a patriot, be hurried beyond the limits we should prescribe to our ministers.

You will be pleased to discontinue in future all the Dutch papers, and send us only the *Leyden Gazette*, the *Courier du Bas Rhin* and the *Courier de l'Europe*, together with such publications on political subjects, written in French, as may be worth our attention. I commit the enclosed letters to Mr. Dana to your care.

Nothing has yet been done in your affairs, though they lay before Congress; a variety of important matters have pressed of late for their consideration, and you are too well acquainted with popular Assemblies to be surprised at the slowness of their proceedings.

We have returned the prisoners on both sides, and Congress have made a considerable reduction of their army by permitting those who are enlisted for the war to return home on furlough. We can not yet learn with certainty from General Carleton when he means to evacuate New York. I sincerely rejoice at M. Van Berckel's appointment, and wish you had informed me when we might hope to see him here, where the patriotic character of his family can not but ensure him an agreeable reception.

I am, sir, &c.,

ROBERT R. LIVINGSTON.

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Fox to Franklin.\*

ST. JAMES, April 19, 1783.

SIR: Although it is unnecessary for me to introduce to your acquaintance a gentleman so well known to you as Mr. Hartley, who will have the honor of delivering to you this letter, yet it may be proper for me to inform you that he has the full and entire confidence of his majesty's ministers upon the subject of his mission.

Permit me, sir, to take this opportunity of assuring you how happy I should esteem myself if it were to prove my lot to be the instrument

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\* 2 Sparks' Dip. Rev. Corr., 438.

of completing a real and substantial reconciliation between two countries formed by nature to be in a state of friendship one with the other, and thereby to put the finishing hand to a building, in laying the first stone of which I may fairly boast that I had some share.

I have the honor to be, with every sentiment of regard and esteem, sir, your most obedient, humble servant,

C. J. Fox.

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Livingston to the Peace Commissioners.\*

PHILADELPHIA, April 21, 1783.

GENTLEMEN: Upon the receipt of the provisional articles, and a subsequent account brought by a vessel despatched by Count d'Estaing, I wrote letters to Sir Guy Carleton and Admiral Digby, to which I received answers. You will find them cold and distant. Those they wrote to the minister of France in answer to similar communications made by him were still more so, and contain the same illiberal doubts which are mentioned in mine, expressed in much stronger terms. When they received an authentic account of the treaty they sent a copy of it (*no part* being omitted) to Congress, through the General. When the proclamation for the cessation of hostilities was received at New York, it was sent to me by an officer with a letter to which I returned an answer.

After this, two great questions were agitated in Congress: 1st. Whether they should proceed to the immediate ratification of the provisional articles; and 2dly, whether they should release their prisoners. Some maintained, with respect to the first of these points, that they knew not in what light to consider the provisional articles, whether as preliminaries or a definitive treaty. That the preamble said they were to constitute the treaty while at the same time they were only to be inserted in it. These terms they considered as contradictory; and they wished to have explanations from you on this head, to know what the operation of a ratification would be, and they inferred from your silence that none was necessary. They observed that no time was set for the evacuation of New York; that the ratification would in some measure compel them to release their prisoners, and thus strengthen their hands, when it was possible a definitive treaty might not take effect between Great Britain and France; and that the ratification and the restoration of prisoners, if it left us nothing more to do, was in some sort to desert our allies. To this it was answered that the provisional articles were only to be received as preliminary, that from the very nature of them they could not be definitive; that the ratification would not alter the nature of them, but confirm them as they stood; that they were confessedly very advantageous to us; that the neglecting any such accep-

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\* MSS. Dep. of State; 5 Sparks' Dip. Rev. Corr., 455, with verbal changes.

tation of them as was necessary on our part, would give the enemy a pretence for violating the stipulations they contained; that the principal points between France and Great Britain being settled, we had no reason to apprehend a failure of a definitive treaty; that it was important to show that we were determined to adhere in every particular to the engagements you had made. These arguments prevailed, and a resolution passed directing the ratification which I enclose. It is probable that the definitive treaty will be signed before this can reach you, otherwise it would be extremely desirable that some ambiguities in the provisional articles should be cleared up, and other objects, which have been at different times touched upon in my public letters, attended to.

The sixth article is not so precisely expressed as to point out to what time the word *future* refers, whether to the signature of the provisional articles, whether to the act which gave it the force of a treaty, or to the definitive treaty. Though I should suppose the second to be the intention from the opposition between the words *now* and the time of the ratification in America.

The seventh article leaves the time for the evacuation of New York upon so loose a footing that I fear our troublesome guests will long continue to be such, unless a day is fixed on for their departure in the definitive treaty. You can easily conceive the impatience that the distressed inhabitants of New York feel at every moment's delay, and the fears and jealousies that prevail among them lest it should be meant to retain these posts as pledges for the performance of the stipulations in favor of the tories. By the debates in Parliament on the 3d of March, it is evident that they had then no orders to evacuate.

You will observe that the ratification does not extend to the separate article. The treaty between Spain and Great Britain renders it unnecessary, and Congress not caring to express any sentiment upon that subject. I refer you to my letters to Dr. Franklin and Mr. Jay upon the subject of a free trade with the West Indies and the log-wood trade, which are important objects here; and I hope will be attended to in your definitive treaty. It were to be wished that the ambiguity with respect to the time of the cessation of hostilities upon this coast was cleared up, and the construction we put upon it adopted, to wit., that by *as far as the Canaries*, was intended the latitude of the Canaries, which construction can be supported by a variety of arguments, and is extremely important to us, as a number of our vessels have been taken since the 3d of March.

I have the honor to be, &c.,

ROBERT R. LIVINGSTON.

Livingston to the President of Congress.\*

PHILADELPHIA, *April 21, 1783.*

SIR: I have the honor to enclose a letter just received from Mr. Dana. I am much surprised to find that such considerable sums as he mentions are necessary on the signature of a treaty with Russia, since I cannot learn that money is demanded of right on similar occasion by any civilized nation in Europe, though it is usual among them to present gratifications to the ministers on both sides, which being for the most part of equal value, the account is balanced. As I do not conceive that we are under the least necessity of buying a treaty with Russia, I think it would be well for Mr. Dana (if he should not have been misinformed) to declare to the court of St. Petersburg that the ministers of the United States are restrained from receiving presents that to make them in such circumstances would be either to arrogate superiority to which they were not entitled, or to acknowledge that they were so far the inferior of those with whom they treated as to be compelled to purchase a connexion which should be founded in equality and mutual advantage; that he therefore found himself compelled in the one case by respect for the Empress, in the other by a regard to the dignity of the United States, rather to break off the treaty than to take a step which might be supposed to derogate from either. After all, I apprehend that Mr. Dana has not received his information on this subject through the best channel, and that he must have mistaken particular case for a general custom.

I have the honor to be, &c.,

ROBERT R. LIVINGSTON.

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Jay to Livingston.†

PARIS, *April 22, 1783.*

DEAR SIR: I wrote to you so lately by Mr. Mason and there is such a dearth of news, that I now write less to give you information than as mark of attention.

There are several of your letters which, on account of their length, the importance of their subjects, and the manner in which those subjects were treated, demanded of me more minute answers than my situation admitted of. Mr. Hartley is not yet arrived, but is daily expected. I am told by Mr. Laurens that he will propose that the people of the two countries shall have all the rights of citizens in each. The instruction of Congress on this important point is much to be desired. For my part, I think a temporary stipulation of that sort might be expedient. They mean to court us, and in my opinion we should avoid being either too forward or too coy. I have no faith in any court in Europe, but it would be improper to discover that sentiment. There are circumstances which

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\* MSS. Dep. of State; 6 Sparks' Dip. Rev. Corr., 241, with verbal changes.

† MSS. Dep. of State; 4 Sparks' Dip. Rev. Corr., 531.

induce me to believe that Spain is turning her eyes to England for a more intimate connexion. They are the only two European powers which have continental possessions on our side of the water, and Spain, I think, wishes for a league between them for mutual security against us. Perhaps this consideration should lead us to regard the present fervor of the British advances with the less indifference.

On looking over one of my former letters containing my propositions to Spain, I find that I had omitted to explain the reason of the one for a guarantee of our possessions in North America. That we should so guaranty the Spanish possessions as to *fight* for them, was as distant from my design as it could be from that of Congress. A common guarantee means nothing more than a *quit-claim*, to which we certainly could have had no objection. When more is intended provisional and express stipulations become necessary. To any such I never would have consented. A confidant of the minister (and I believe by his directions) had assured me, that unless a guarantee was offered any other propositions would not induce the minister to negociate for a treaty. To meet that objection I made the offer in the general terms you have seen. I had no doubt but that the minister was acquainted with my instructions, and I considered this objection as a pretext for delay. My opinion as to a certain proposed cession was known, and uses not advantageous to us or to me had been made of it. It appeared to me advisable that the intention of Spain with respect to us should have a full trial, and such a one as would convince Congress that I was entirely guided by their views and wishes.

I therefore endeavored so to frame those propositions as that they should not afford the minister any pretence for refusing to commence the negociation. The issue you are acquainted with.

I hope nothing will be done by the States for the tories until the British forces shall be withdrawn, and then I confess it would be for our honor to forgive all except the perfidious and the cruel.

After the definitive treaties are finished I hope I shall be excused in trying the waters of Spa and Bath (which are recommended to me) before I proceed to Spain. Whatever may be their effect, I shall not loiter at either place. After my business at Madrid shall be finished I wish to devote my care to the recovery of my health and the concerns of my family, which must greatly interfere with the duties of my commission. Besides, as my country has obtained her object, my motives for entering into public life are at an end.

The same principles which drew me from the private station I formerly occupied bid me return to it. Actions are the only proofs of professions, and if I live, mine shall not want that evidence.

I am, dear sir, &c.,

JOHN JAY.

P. S.—I am told that a vessel which went last year from our country on the *Ohio down that river and through the Mississippi to the Ha-*

vana took passports from the Count de la Luzerne. This, if a fac appears to me a singular one. I mention it merely as a matter of information.

J. J.

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Dana to Livingston.\*

ST. PETERSBURGH, *April 22, 1783.*

SIR: In my last I acquainted you that I proposed to send a second letter to the vice-chancellor the next day. I did not do it, however till yesterday morning, when he sent me his compliments, and said he would present it to her majesty. The following is a copy of it:

His excellency Count OSTERMANN:

I did myself the honor to write to your excellency on the 24th of February, to inform you of my mission on the part of the United States of America to reside near her Imperial majesty in the character of their minister, and to request the honor of an audience of your excellency, that I might present to you a copy of my letter of credence for her Imperial majesty. I have not yet been honored with an answer to my letter, having had only a verbal message from your excellency on the 27th of the same month that you had received it, but it being the first week in Lent, you have not had an opportunity to lay it before her Imperial majesty.

After the King of Great Britain has in form acknowledged the independence of the United States of America, and concluded a provisional preliminary treaty of peace with them, which has taken effect by the signing of the preliminary treaty of peace between their most Christian and Britannic majesties, after those treaties have been ratified on the part of their majesties, and proclamations in pursuance thereof have been issued by them, and also by the ministers of the United States of America ordering a cessation of hostilities, and after the British Parliament have solemnly engaged to observe and maintain those treaties; after such national transactions on both parts, I flatter myself it is not doubted that the course of events hath prepared the way for her Imperial majesty to receive a minister from the United States of America without the least infraction upon the system of neutrality which she has adopted and so gloriously maintained through the late war. Presuming from your excellency's message that my letter was laid before her Imperial majesty the week after, I take the liberty to request that you would be pleased to inform me of her pleasure thereupon, as well for the government of my own conduct as for the certain information of the United States of America.

I have the honor to be, &c.,

FRANCIS DANA.

ST. PETERSBURGH, *April 10th (O. S.), 1783.*

I have some intimations of a very extraordinary objection which has been suggested to my present admission into this court, viz., that my letter of credence must necessarily bear date prior to the acknowledgment of the independence of the United States by the King of Great Britain. Should the answer to my communication be of that nature I will let you know from whence I suppose it originates. But I shall think it my duty to leave this court as soon as possible. For I should not dare to apply to Congress to revoke their first letter of credence

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\* MSS. Dep. of State; 4 Sparks' Dip. Rev. Corr., 678, with verbal changes.

and to send me another bearing date since that period, for the following reasons, which occur to me at once :

1st. Because it would be to desire the United States of America to strike off seven years of their existence as free, sovereign, and independent States.

2dly. Because their compliance with it would, in effect, annul their resolution contained in the declaration of their independence, viz., "that as free and independent States they had full power to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things which independent States may of right do."

3dly. Because it would imply on their part that they owed their existence as a free nation to the acknowledgment of their independence by the King of Great Britain.

4thly. Because as a consequence of this last position it would go to annul all their acts of sovereignty prior to that period, and among others, the most important ones of their treaties with France and Holland, as well as their commissions granted to their ministers at the court of Madrid and other courts, and such treaties as they have already made or shall hereafter make in virtue thereof.

5thly. Because the requisition of new letters of credence bearing date since the period above-mentioned involves in itself a decision on the part of her Imperial majesty that the United States of America ought [not] of right to be considered as a free, sovereign, and independent power, but in virtue of the acknowledgment of them as such by the King of Great Britain.

6thly. Because the granting of new letters of credence would amount to a confession on the part of the United States of the justice of such a decision.

7thly. Because a compliance with such a requisition would, in my opinion, in every point of view, be highly derogatory to the dignity of the United States, and is a sacrifice which circumstances by no means require to be made.

But I hope for more wisdom, justice, and impartiality from her majesty, and that I shall receive in a day or two a satisfactory answer to my first letter.

I have the honor to be, &c.,

FRANCIS DANA.

Washington to Livingston.\*

HEADQUARTERS, April 22, 1783.

SIR: I have been honored with your two favors, dated the 12th and 15th instant.

In consequence of the resolutions of Congress on the 15th instant, and the express declarations of the Secretary at War respecting the

\* MSS. Dep. of State; 6 Sparks' Dip. Rev. Corr., 242.

sense and expectations of Congress, arrangements have been agreed upon between him and me for an immediate liberation of all land prisoners, and I have yesterday given this information to Sir Guy Carleton. The particulars of the arrangement, with the opinion given the British commander-in-chief, you will obtain through the Minister at War.

In order to obtain the sense of Sir Guy Carleton upon the matter contained in the resolution of the 15th, I have proposed a personal interview with him at an early day. The result of this meeting, if access to, will probably lead us to a decision upon some questions which are more doubtful, and that with greater decision and despatch than could otherwise be procured.

I have the honor to be, &c.,

GEORGE WASHINGTON

Morris to the President of Congress.\*

OFFICE OF FINANCE, *April 23, 1782*

SIR: On the 21st of February, 1782, Congress were pleased to resolve of the establishment of a mint, and to direct the superintendent of finance to prepare and report a plan for conducting it. This matter has been delayed by various circumstances until the present moment. I now enclose specimens of a coin, with a view that if Congress should think proper to appoint a committee on the subject, I may have the honor of conferring with them and explaining my ideas of the plan establishing and conducting a mint. Such plan when reported by the committee will more probably meet the ideas of Congress than any which I might prepare.

I have the honor to be, &c.,

ROBERT MORRIS

Dana to Livingston.†

No. 25.

ST. PETERSBURGH, *April 25 (April 14 O. S.), 1782*

SIR: In consequence of my second letter to the vice-chancellor the 21st instant, he sent me a verbal message with his compliments the 23d in the morning, and desired to see me at four o'clock in the afternoon. I waited upon him accordingly, and had a conference with him upon the subject of my mission. He began it by saying that he had received the letters I had done him the honor to write him; that her majesty had been invited by the courts of Versailles, Madrid, and London to mediate in conjunction with the Emperor at the conclusion

\* MSS. Dep. of State; 6 Sparks' Dip. Rev. Corr., 601.

† MSS. Dep. of State; 4 Sparks' Dip. Rev. Corr., 681, with verbal changes.



of the definitive treaty of peace between them; that till those affairs were arranged, and the definitive treaty signed, her majesty could not, consistent with her character of mediator, receive a minister from America without the consent of those powers; that the treaty of America was provisional only, and dependent upon those arrangements, and though there was no doubt but they would take place, and that the definitive treaty would be concluded, yet till that was done her majesty could not consider me in my character as the minister of America.

Here he made a long pause, as waiting for an answer, but knowing that the whole had not yet come out, I made no attempts to reply. He then added that he supposed my letter of credence bore date before the acknowledgment of the independence of America by the King of Great Britain, and asked me if that was not the fact. I told him it must necessarily be so, as a sufficient time had not since elapsed to receive one from America. He then said that when the above arrangements should be completed if I should produce new letters of credence bearing date since the King of Great Britain had acknowledged the independence of America her majesty would be very willing to receive me as the minister of America, but that it would be incompatible with that exact neutrality which her majesty had hitherto observed, to do it before; that it would be irregular also for her majesty to admit a minister from a power whose letter of credence bore date before she had acknowledged the independence of that power; that, besides, no minister had been received from America at the court of Great Britain yet, and that I must be sensible it would not be consistent for her majesty to receive one from America before the King of Great Britain had done it. Here he stopped again, and knowing that he had gone through his whole subject, which comprises these simple matters only, viz:

1st. That her majesty could not, consistent with the character of a mediator, as above, receive a minister from the United States till the conclusion of the definitive treaty between France, Spain, and Great Britain;

2ndly. That she could not do it even then, consistent with the laws of neutrality, while his letter of credence bore date prior to the acknowledgment of their independence by the King of Great Britain;

3dly. That she could not do it regularly while his letter of credence bore date before she herself had acknowledged their independence;

4thly. That she could not do it consistently before a minister had been received from the United States in Great Britain—

I desired him to favor me with a note containing the substance of this answer, as it was of great importance, and much in affairs of this sort depended upon the very expressions; that with the fairest intentions I might misrepresent some parts of it through forgetfulness, and that I would deliver him my observations upon it in writing for consideration when the exact state of the matter would be known. Finding,

as I had expected, that he declined this, I began my reply with a preface of this sort: The answer which your excellency has given me on the part of her Imperial majesty is wholly unexpected, not only to myself, but to the United States. I can not take upon me therefore to say anything upon it from instructions. I beg you would be pleased to consider whatever I may say as my private sentiments, whether they will accord with those of my sovereign I am not certain. At this great distance, I must use my best discretion in all such extraordinary cases I have no design to oppose myself to her majesty's pleasure, whatever that may be, but only to make some observations upon the answer that if they are of any weight they may be taken into consideration, as I have no doubt they will be. I would beg to improve this occasion to express the high respect which the United States entertain for her Imperial majesty, and their sincere desire to cultivate her friendship that they considered her as one of the first sovereigns of the world and in a manner the great legislator of nations by her system of neutrality, which they had early highly applauded, and had made the principles of it the invariable rules of their conduct during the war that, animated with sentiments of this kind, they wished to give some strong proofs of a distinguished attention and consideration for her majesty's person and government. With this view, they had early named a minister to reside near her as a compliment to the sovereign who presided over the neutral confederation with so much glory; that he might improve the earliest occasion to display his character which the course of events should afford.

From these dispositions they were naturally led to expect, as they had intended, that her Imperial majesty would be the first of the neutral powers which should receive a minister from them; that as to the objections which had been made to my present reception, I begged leave to observe, that the present mediation differed from the former one which had been tendered by their Imperial majesties, in two essential respects: that that was tendered during the continuance of hostilities, and that there was a proposition in it which materially concerned the United States, but in this there was no question relative to them; that their negotiations with Great Britain had been conducted apart from those of the other belligerent powers, and were brought to a happy conclusion. I here took up all the facts stated to him in my second letter to him of the 10th instant, and enlarged upon them. I added to them the bill pending before the House of Commons in the beginning of March, for regulating a commercial intercourse between Great Britain and America as between States in fact and absolutely independent; that the bill itself recited that the King had concluded a peace with them, and expressly declared the vessels of their citizens should be admitted into all the ports of Great Britain, as the vessels of other independent States; that all were agreed to consider them as such. From these matters I drew the same conclusion as is mentioned in that letter.

This closed my observations upon the first article. As to the second, I went over the reasons contained in my letter of the 11th instant to you, urging strongly the four first, but passing gently over the rest. Upon the third it was to be observed that the mode of expression "before her majesty had acknowledged the independence of America" seemed to lead beside the matter; that there was no question in the acknowledgment of that independence. The only question was, whether her majesty would receive a minister from the United States who now presents himself. The United States do not ask an acknowledgment of their independence, nor have they a wish, nor do they claim a right, to impose their minister upon any sovereign. Every sovereign will judge whether it is for the interest of his empire to receive the minister of another, and may do this without deciding upon the perfect rights of that other. This is rather what I would have said than what I did say upon that point. I could not fully get the idea wholly, as he several times prevented me by returning to the matter he had before spoken upon, as if he saw what I intended to say, and wished to avoid it. The fourth and last point was chiefly answered by the arguments used upon the first. I did not, however, forget the distance of the countries as the only probable cause of that delay.

Thus, sir, I have given you a clear idea of a conference which rests wholly upon my memory, and which had continued an hour, wanting a few minutes, as far as I am able to do. Other arguments occurred to me in the time which might have been urged, but I was apprehensive of obtruding too much upon the patience of the vice-chancellor, whose view, it must be considered, was rather to communicate the answer than to discuss the points of it.

An important question arises out of this state of things: What remains to be done on the part of the United States? It belongs to me only to answer what I propose to do further myself, which is to draw a memorial containing this answer, with such observations upon it as shall occur to me, tending to show the futility of the objections which have been made to my immediate reception, and to send it to the vice-chancellor. To such a measure I am advised on a good part. If this answer should be persisted in, I believe it may be truly said that the honor of the United States will not suffer by it in the estimation of any other sovereign in the world. It is so different from the line of conduct which some of the powers who are members of the Neutral Confederation have adopted already respecting the United States—as, for example, Portugal, Denmark, and Sweden—and that which it has been intimated the Emperor was ready to adopt (of which Mr. Adams received an account through Mr. William Lee, and which he immediately transmitted to me, and probably to Congress also), that, if I mistake not, the effect of it will be quite of another kind. It will be seen to be subversive of the very principles upon which it is pretended to be es-

tablished, and so revolting in its nature that it is utterly impossible the United States could ever comply with it.

I plainly told the vice chancellor that for myself I could never make the proposition respecting my letters of credence; and that, if I should, I had no expectation they would ever adopt it, and, therefore, my waiting here the length of time which it would be necessary for me to learn the pleasure of Congress upon it seemed to be useless. I can not in any case quit this country till towards the end of May, because there is no getting out of it before by land or water. I still hope it will not be thought I have precipitated the measure at a time when, if ever it could be, the course of events had prepared the way for it, and when it shall be considered, too, that the first objection arises from a matter which took place since. As to the others, they are of so strange a nature that they could not have been expected by any one, and which no time can do away.

I am under a necessity of closing this letter without adding anything which may attempt to account for this very unexpected conduct on the part of her Imperial majesty, otherwise I shall lose the post of the day.

I have the honor to be, with much respect, &c.,

FRANCIS DANA.

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Franklin to Livingston.\*

PASSY, April 27, 1783.

SIR: The Count del Veome, an Italian nobleman of great distinction, does me the honor to be the bearer of this. I have not the satisfaction to be personally acquainted with this gentleman, but am much solicited by some of my particular friends, to whom his merits and character are known, to afford him this introduction to you. He is, I understand, a great traveller, and his view in going to America is merely to see the country and its great men. I pray you will show him every civility, and afford him that counsel which, as a stranger he may stand in need of.

With great respect, I am, &c.,

B. FRANKLIN.

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April 29, 1783.

Articles proposed by the American Commissioners to Mr. Hartley.†

ARTICLE I. It is agreed that as soon as his Britannic majesty shall have withdrawn all his armies, garrisons, and fleets from the United States of America, and from every port, post, place, and harbor within

\* MSS. Dep. of State; 2 Sparks' Dip. Rev. Corr., 439; 8 Bigelow's Franklin, 285.

† MSS. Dep. of State; 1 Sparks' Dip. Rev. Corr., 742, with verbal changes. The several propositions bearing on the definitive treaty are given under date June of 1, 1783, for purposes of convenient reference; see, also, *infra*, Laurens to Livingston, July 17, 1783.

the same, as stipulated by the seventh article of the provisional treaty of the 30th of November, 1782, then, and from thenceforth, for and during the term of — years, all rivers, harbors, lakes, ports, and places belonging to the United States, or any of them, shall be open and free to the merchants, and other subjects of the crown of Great Britain and their trading vessels, who shall be received, treated, and protected like the merchants and trading vessels of the States in which they may be, and be liable to no other charges or duties.

And reciprocally, all rivers, harbors, lakes, ports, and places under the dominion of his Britannic majesty, shall thenceforth be open and free to the merchant trading vessels of the said United States, and of each and every of them, who shall be received, treated, and protected like the merchants and trading vessels of Great Britain, and be liable to no other charges and duties, saving always to the chartered trading companies of Great Britain, such exclusive use and trade of their respective ports and establishments, as neither the other subjects of Great Britain, nor any of the most favored nations, participate in.

ARTICLE II. It is agreed that such persons as may be in confinement in the United States of America, for or by reason of the part which they may have taken in the late war, shall be set at liberty immediately on the evacuation of the said States by the troops and fleets of his Britannic majesty.

And it is likewise agreed that all such persons who may be in confinement in any parts under the dominion of his Britannic majesty for, or by reason of, the part which they may have taken in the late war shall, at the same time, be also immediately set at liberty.

ARTICLE III. The prisoners made respectively by the arms of his Britannic majesty and those of the United States of America, both by land and sea, shall be immediately set at liberty without ransom, on paying the debts they may have contracted during their captivity. And each contracting party shall respectively reimburse the sums which shall have been advanced for the subsistence and maintenance of their prisoners by the sovereign of the country where they shall have been detained, according to the receipts and attested accounts, and other authentic titles which shall be produced on each side.\*

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Luzerne to Livingston.†

[Translation.]

PHILADELPHIA, April 29, 1783.

SIR: I wrote some time ago to General Washington to know whether he thought proper that the legion of Lauzun, and the other detachments of the army of Rochambeau, should leave this continent in order

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\* Hartley's counter proposition is given *infra*, under date of May 21, 1783.

MSS. Dep. of State; 6 Sparks' Dip. Rev. Corr., 120.

to return to France. According to his answer, dated the 23d instant he entirely approves this measure; consequently I beg you will have the kindness to inform Congress that the departure will take place immediately.

Permit me to embrace this opportunity of assuring you, in consequence with the Duc de Lauzun, that the officers and soldiers of this army will always recollect with pleasure the three years which they passed in the continent, the union which has existed between the two nations, and the hospitality with which they have been treated by the inhabitants.

I have the honor to be, &c.,

LUZERNE.

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Congress—Secret Journals.\*

MAY 1, 1783.

A letter having been read from the minister of France to the Secretary of Foreign Affairs, requesting him to inform Congress of the proposed departure of the Duke de Lauzun's legion and other detachments of Count Rochambeau's army for France, and expressing with the Duke de Lauzun the sense that he and the other officers and men of this army entertain of the harmony which has subsisted between them and the inhabitants of these States, and of the hospitality with which they have been treated by them,

*Resolved*, That the Secretary for Foreign Affairs inform the minister of France that Congress learn with pleasure the satisfaction which the Duke de Lauzun and the officers and men of the French army in America express, in the harmony which has subsisted between them and the inhabitants of these States, since it exhibits at the same time strong proof of the good disposition and discipline of the commander, officers, and men, and the just sense the people of this country entertain of the important services they have rendered—

As a further proof of which,

*Resolved*, That the Secretary for Foreign Affairs inform the Duke de Lauzun, and the officers and men under his command, that the United States in Congress assembled are highly sensible of their successful exertions in the cause of America, and of the strict attention which they have at all times paid to the rights of its citizens, and whilst they rejoice at the events which have brought tranquillity to these States, adds to their pleasure to reflect that it restores those who have been active in procuring it to their friends and their country.

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\* MSS. Dep. of State.

MAY 1, 1783.

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J. Adams to Dana.\*

PARIS, May 1, 1783.

SIR: I have received your favor of the 16th of March, and in answer to it, I do assure you that I do not intend to decline taking a seat in Congress, if any State in the Confederation should think it worth while to offer me one. I am grown very ambitious of being a limb of that sovereign. I had rather be master than servant on the same principle that men swear at Highgate—never to kiss the maid when they can kiss the mistress. I should be very happy to sit alongside of you upon one of those seats, and rise up now and then and tell stories of our peregrinations, and of the robbers we have met with in the highway. But you must not quit till you have made your treaty.

I beg you would consider what I write to you as hints, not as advice. The reasons that you give for not taking some I gave you are very conclusive, and had not occurred to me. The first vessel will I hope, bring you elucidations upon those points. Mr. Hartley is to finish with us, and we are making preparations; but cannot say how much time will be necessary. They talk of a congress and mediation, and Mr. Markow is coming; but there is no need of either on our affairs. Yet we may be invited to join it, and who would not be ambitious of sitting in such a council of the celestials, or rather who would not be curious "to know by what sort of men this world is governed."

With great esteem, &c.,

JOHN ADAMS.

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Morris to the President of Congress.†

OFFICE OF FINANCE, May 1, 1783.

SIR: When I saw the journal of the 28th of last month,‡ I was surprised to find that the report of the honorable committee appointed to confer with me relative to my continuance in office did not contain those

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\* 8 J. Adams' Works, 56.

† MSS. Dep. of State; 6 Sparks' Dip. Rev. Corr., 601, with verbal changes and omissions.

‡ APRIL, 29.

This morning when I received the book from the office of the secretary of Congress, in which the acts of Congress that respect this department are entered every day, I perceived that the committee who had conferred with me respecting my continuance in office after the last day of next month had not reported the whole of the conversation which passed, and that the report as entered on the journals of Congress, mistakes the sense of what passed on my part. I therefore wrote a note to Mr. Osgood, informing the committee that they had misconstrued my sentiments. He soon called, and upon my repeating some material parts of the conversation, he acknowledged they had been omitted. I requested him to call the committee together again, but he said they had made their report, and are dissolved, but he would immediately return to Congress, have my note to him read, and move to have the report of the committee expunged from the journals.—*Diary*.

ideas which I had endeavored to convey. I immediately wrote a note to the chairman, mentioning "that the committee had misapprehended the conference on my part." When the conversation passed, I had no expectation of seeing it introduced into the report, or I should certainly have asked permission to deliver my sentiments in writing.

I am placed, sir, in a very painful situation, and must therefore entreat your indulgent interpretation of what I am compelled to say. I had the honor of two conferences with the committee, and in the mornings after those conferences, respectively, made short minutes of what had passed. It is my custom to make such minutes with respect to most of my transactions, and as they were originally intended merely to aid my own memory, they are not very minute or particular. Those to which I now refer are contained in the following words :

APRIL 22, 1783.

The honorable Mr. Osgood, Mr. Bland, Mr. Peters, Mr. Madison, and Mr. Hamilton, a committee of Congress appointed to confer with me respecting my continuance in office. I told them that a letter from Mr. Grand gave a new complexion to our affairs in Europe, and that a frigate being just arrived in a short passage from France I expected further advices, which I am desirous of seeing before I enter this conference. I stated the difficulty of fulfilling engagements, and the danger of taking any new ones.

APRIL 24, 1783.

The Hon. Messrs. Osgood, Madison, Peters, Hamilton, and Bland, committee of Congress appointed to confer with me as to my continuance in office, called this morning, in consequence of Mr. G. Morris having told Mr. Osgood that he imagined I was ready for a conference with them. I told the committee that my mind had been constantly occupied on the subject from the time they first called until the present moment; that I see and feel the necessity and propriety of dismissing the army among their fellow-citizens satisfied and contented; that I dread the consequences of sending them into civil life with murmurs and complaints in their mouths, and that no man can be better disposed than I am to satisfy the army or more desirous of serving our country, but that my own affairs call loudly for my care and attention. However, having already engaged in this business, and willing to oblige Congress if they think my assistance essential, I will consent to remain in office for the purpose of such payment to the army as may be agreed on as necessary to disband them with their own consent, &c., but prayed of Congress to excuse me from even this service if they can accomplish their views in such other way as they may approve.

These, sir, are exact copies of my minutes on the subject, and although they were hastily drawn, yet I can safely appeal to the committee to declare whether they do not contain what really passed, and also whether I did not (in reply to a question put to me by one of the members) say that I expected, if Congress should ask me to continue in office, they would confine their request to the effecting that particular object of satisfying the army, and would distinguish it from anything which might be construed into an approbation of their plan for funding the public debts.

I hope, sir, that Congress will excuse me for picturing the situation I was in and the feelings which arose out of it. By the act of the 7th of



February, 1781, it was declared to be the duty of the superintendent of finance "to digest and report plans for improving and regulating the finances." Congress well know that I have from time to time attempted the performance of this duty, and they know also that such plans have not met with their approbation. The clear inference is what I have declared, both previously and subsequently to my appointment, that my abilities are unequal to the task I am called to perform. If, therefore, Congress would at any time have made a new appointment, I should have considered it as the greatest favor. But since they saw fit to continue me in office, I prepared the best plans which I could devise, and finding they were not agreeable to the ideas of Congress, I waited for the adoption of such as might be suggested from some other quarter, or originated among themselves. I patiently but anxiously waited until the 24th of January last; but then a clear view of those circumstances which have since followed compelled me to request they would appoint some other man to be the superintendent of their finances, if effectual measures were not taken by the end of May to make permanent provision for the public debts of every kind. On the 26th of February, finding that no successor was yet appointed, and that the plans of Congress were not yet completed, I requested leave *to give due and seasonable information of my removal to those who had confided in me.* By this means I became pledged to the world not to continue in office after the end of May, unless such measures as I conceived to be effectual should be taken before that period to provide for the public debts. On the 5th of March I received the report of a committee on the finances, with orders to transmit my observations. These are contained in a letter of the 8th. On the 9th day of April (no plan being yet adopted) a committee called on me to know whether three months' pay could be advanced to the army. I stated to them the incapacity of the public treasury to complete in any short period the one month's pay already promised, as also the great anticipations made on the public revenue. And on the 14th, in a letter recapitulating the hazardous situation of things, I informed them that I believed the object they had in view was practicable by means of a large paper anticipation. On the 18th the plan was adopted for funding the public debts.

It was under these circumstances, sir, that I held the conferences now immediately in question. It was my most earnest desire to be dismissed from office, and I stood pledged for it to the public. But a circumstance of peculiar nature, which had not been foreseen, now presented itself. That army to whom we were indebted for our national existence was to be disbanded, either in extreme misery or with some little relief. Every principle of justice and gratitude called loudly to administer it; but this could not be done without entering into engagements beyond our resources. The dictates of prudence would, indeed, have determined me to adhere inflexibly to the resolution expressed in my letter of the 24th of January. By so doing I hazarded nothing, and

as far as my own reputation was concerned, I could have placed it in security. For I must be permitted to say that if solid arrangement had been taken to establish national credit, four times the required sum might have been easily obtained. No evils, therefore, had arisen which I had not predicted, and none which it was possible for me to guard against.

But, sir, my conduct was not influenced either by personal or prudential motives. A sense of the situation to which Congress were reduced, an earnest desire to support their dignity and authority, a grateful regard to our fellow-citizens in arms, mingled with respect for their sufferings and virtues; these sentiments, sir, decided my opinion. I agreed, for your sakes and for theirs, to enter into a labyrinth of which I did not then, nor do I now, see the termination.

But I could not do this except under conditions and limitations. The conditions were that Congress should ask my continuance and pledge themselves for my support; the limitations, that the objects of my continuance should be accurately expressed, and that it should be confined to the fulfilment of such engagements as those objects might require. These terms were expressed to the committee, and I am sure they will do me the justice to acknowledge that they were so. Whether they were reasonable and whether they have been complied with forms questions of some importance.

It may be suggested that asking my continuance would derogate from the dignity of Congress. How far this observation is founded will appear from a resolution of the 21st of December last. It was not a new thing to make such requests, nor was the practice obsolete, yet I should not have desired anything more particular on this subject than has been done in the act of the 28th of April, although far short of what other persons have received. But surely it will be admitted that I had a right to expect Congress would pledge themselves for my support when I entered into such deep engagements for theirs. Whether the limitation of my continuance in the manner just mentioned was proper will appear from considering whether it consisted with the dignity of Congress to procure my tacit approbation of their system of funding the public debts; a system widely different from ideas which I had expressed on a variety of occasions and in the most pointed manner. Surely, sir, it was not kind to place me in a situation where I must appear either to refuse the performance of an important public service or to break the most solemn engagements and contradict the most express declarations. I might dwell much on this question, but the delicacy of Congress will render it unnecessary.

The second question is, whether the terms I offered have been complied with. And this question is answered by a bare inspection of the act. Your excellency will pardon me for mentioning that the report and resolution, considered conjunctively, rather convey the idea of a permission to hold my office than anything else. I had declared

to the committee, and here again repeat, that a longer continuance would be extremely disagreeable to me, and that nothing but the particular circumstances already mentioned could induce my consent. I must add, that under the resolution in its present form I can not stay. I shall detain your excellency no longer than to mention that I am sensible that some men may still suppose that I am only desirous of obtaining from Congress some more particular resolutions. To obviate such disingenuous remarks, it is my humble request that no further question be made on my subject. If, sir, I have rendered any services, and if those services have merited any return, I shall ask no other reward than a compliance with this request.

I have the honor to be, &c.,

ROBERT MORRIS.

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Livingston to Dana.\*

PHILADELPHIA, *May 1, 1783.*

SIR: An opportunity will offer of writing to you by a frigate in the course of next week, when I shall be able to treat more fully the subject of your letters (Nos. 12, 15, and 16, of December 21 and January 3 and 15), which have been duly received, and which are now under the consideration of Congress. This is principally designed to cover the enclosed resolution directing your return, unless you should have commenced a treaty of commerce. But upon examining your instructions you will find that the embarrassment you speak of with respect to the money to be paid upon signing the treaty, can not exist under your present powers. With respect to the neutral confederacy, it is a treaty which is now of little consequence to us, and since we were not admitted to it during the war we ought not to pay for admission upon a peace; besides that, it can no more be considered as a treaty with her Imperial majesty than it is a treaty with all the other neutral powers, whose ministers may with equal propriety demand the perquisites you speak of. Therefore let it be understood that as the United States or their servants are above receiving the perquisites or presents, so they have not the presumption to assume such superiority over those with whom they treat as to offer them.

With respect to a commercial treaty, none can be signed by you. Your powers only extend to "communicate with her Imperial majesty's ministers on the subject of a treaty," &c., but not to sign it; so that you will find no difficulty upon the subject you speak of; if you should, I am persuaded that it is the wish of Congress rather to postpone any treaty with Russia than to buy one at this day.

I have seen your letter to Mr. Morris on the subject of your salary. The mistake you mention shall be corrected. I was led into it by not having been furnished with the resolution you mention among those

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\* MSS. Dep. of State; 4 Sparks' Dip. Rev. Corr., 685.

relative to salaries sent me from the Secretary's office. However, it is of no consequence as yet, since the sums remitted, with what you have received from Dr. Franklin, will exceed the amount of your demand. You can now draw on Dr. Franklin for three quarters' salary, at one thousand pounds sterling; a fourth is enclosed in a letter from Mr. Lewis Morris to you; the last quarter's, due in April, will be subject to some deductions, as you will see by the enclosed resolutions transmitted you by Mr. Lewis Morris, out of that quarter. I shall pay Mr. Tracy's order, counting the commencement of the year from the date of the order.

I am, sir, with great respect, &c.,

ROBERT R. LIVINGSTON.

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Livingston to La Fayette.\*

PHILADELPHIA, May 1, 1783.

DEAR SIR: I am now to acknowledge your favor of the [5th of February] by the *Triomphe*, and that of the 2d of March from Bordeaux. You were the happy messenger of glad tidings on both occasions. We had received no account of the signature of the general preliminaries or of the cessation of hostilities before her arrival. You can easily conceive the joyful reception it met with here, where we began to be heartily tired of the war; nor was it less welcome intelligence to the army than to the other citizens of America.

The second letter, which promises a happy settlement of all differences with Spain, was flattering to those among us who knew the importance of her friendship, both in a commercial and political view. Congress feel themselves under great obligations to you for the ardor you discovered in accelerating this happy event, and the address with which you placed it in such a train as to make it difficult for the Spanish minister to go back from his engagements.

By this conveyance I send our ministers the ratification of the provisional articles. Carleton and Digby have sent out their prisoners, and we are making arrangements to send in ours. Congress having determined on their part to do not only all that good faith may require, but by this mark of confidence to convince them that they have no doubt of the sincerity of their professions. Our ministers will show you the letters that have passed between Carleton and me. Some among us, from finding nothing yet done that leads to the evacuation of New York, have been apprehensive that the British will effect delays on that subject till the Tories are satisfied, which I venture to tell you in confidence will never be, unless the English shall on their part repair all the cruel losses they have unnecessarily occasioned. I this moment received a letter from the General, informing me that he had proposed a personal

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\* MSS. Dep. of State; 5 Sparks' Dip. Rev. Corr., 415, with alterations and omissions.

interview with Carleton, in hopes of learning something of his intentions with respect to the evacuation; but I fear he will be deceived in his hope, if I may judge from the debates of the 3d of March, which prove that no orders had then been transmitted.

[You oblige me extremely by the confidence you repose in me in your letter of ——— the ———. You know how sincerely I wish to render you every service in my power, and knowing this, you will pardon, or rather be pleased with, the freedom that I *shall* speak of the business you mention; both Hamilton and myself consider it as extremely difficult to effect. Real obstacles present themselves which will render it delicate to make the attempt, and objections which have no real weight will be thrown in by prejudice and partial interests, which may, I fear, defeat my earnest wish to procure for you this concluding testimony of the friendship which this country owes you. But as the treaty is not yet come over, I can say nothing certain, and I hope to have an opportunity of writing to you more at large by the *Triomphe*, in which your domestic will return.]\*

I cannot leave writing without expressing how sincerely I agree with you in your wishes that unanimity may prevail, and the band of union among us be strengthened; there is no thinking man here who does not at the same time feel the necessity and lament the difficulty of effecting a measure on which our happiness so greatly depends. Congress have made some general arrangements in their finances, which, if adopted by the several States, will render our national debt a national tie, which time and experience may strengthen. Our ministers will show you those resolutions; I will not therefore unnecessarily burden Colonel Ogden with them. For general information I refer you to him.

I have the honor to be, &c.,

ROBERT R. LIVINGSTON.

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Morris to the President of Congress.†

OFFICE OF FINANCE, May 3, 1783.

SIR: Upon consideration of the act of Congress of the 28th of April‡ and 2d instant, I have determined to comply with their views. But I pray it may be understood that my continuance in office is limited to the particular object of fulfilling my present engagements and those which the necessity of our affairs may compel me to form. Let me entreat your excellency to inform Congress that I entertain a proper sense of their assurance of firm support, and that in a reliance on it I shall continue my zealous exertions for the service of the United States.

[I must take this occasion also to repeat what has been frequently mentioned, that the affairs of the marine department occupy more time

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\* Passage in brackets omitted in Sparks' ed.

† MSS. Dep. of State; 6 Sparks' Dip. Rev. Corr., 606, with omissions.

‡ Requesting Mr. Morris' continuance in office.

and attention than I can easily spare. This department will now become important, and, I hope, extensive. I must therefore request that Congress will be pleased to appoint an agent of marine as soon as their convenience will admit.]\*

I have the honor to be, &c.,

ROBERT MORRIS.

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Franklin to Vergennes.†

PASSY, *May 4, 1783.*

SIR: I have considered the proposal of M. le Marquis de Ségur to cede to the Congress the military stores left by M. de Rochambeau at Baltimore, and I am of opinion that it is probable a part of them may be acceptable, if not the whole, and that possibly some of the States may be inclined to purchase what the Congress should not want. But as I am ignorant of what may or may not be wanted by the Congress, and have no orders to purchase or procure more stores than have already been provided here, I can enter into no agreement respecting them. If a power be sent to the ambassador or consul to treat with the Congress or the separate States concerning them, it may be the most probable means of disposing of them to advantage.

I am with respect, sir, your excellency's most obedient and humble servant,

B. FRANKLIN.

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Vergennes to Franklin.‡

[Translation.]

VERSAILLES, *May 5, 1783.*

SIR: I have received the two letters of yesterday and to-day, which you have done me the honor to write to me, and a copy of the three articles discussed between the commissioners of the United States and Mr. Hartley. You are aware that I shall want sufficient time to examine them, before submitting to you the observations which may relate to our reciprocal interests. Receive, in the mean time, my sincere thanks for this communication.

I hope to have the honor of seeing you to-morrow at Versailles. I trust you will be able to be present with the foreign ministers. It is observed that the commissioners from the United States rarely show themselves here, and inferences are drawn from it which I am sure their constituents would disavow if they had a knowledge of them.

I have the honor to be, &c.,

DE VERGENNES.

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\* Passage in brackets omitted in Sparks' ed.

† 8 Bigelow's Franklin, 285.

‡ 2 Sparks' Dip. Rev. Corr., 439.

Franklin to Vergennes.\*

PASSY, May 5, 1783.

SIR: It was my intention to pay my devoirs at Versailles to-morrow. I thank your excellency, nevertheless, for your kind admonition. I omitted two of the last three days from a mistaken apprehension, that being holidays there would be no court. Mr. Laurens and Mr. Jay are both invalids; and since my last severe fit of the gout, my legs have continued so weak that I am hardly able to keep pace with the ministers, who walk fast, especially in going up and down stairs.

I beg you to be assured, that whatever deficiency there may be of strength, there is none of respect in, sir, your excellency's most obedient and most humble servant,

B. FRANKLIN.

Morris to Luzerne.†

OFFICE OF FINANCE, May 6, 1783.

SIR: I do myself the honor to enclose to your excellency the copy of an act of Congress of the 2d instant. I shall, in consequence thereof, address some special despatches to Dr. Franklin, by a packet boat, which I will communicate to your excellency, and pray you to write to your court on the subject of them.

In the mean time, I beg leave to mention to you, sir, that if (as I am informed) the administration of your army have more money in this country than they have immediate occasion for, it would greatly facilitate my operations to be possessed of it. What I have to propose on this subject is, that whatever sum may be paid to me here should be deducted from the three millions mentioned in the enclosed resolution, and be repaid from the amount of the existing requisitions on the States. But that if this arrangement should not be agreeable to the court, then that it be paid in France or here, immediately after I shall have been made acquainted with his majesty's pleasure and in such way as shall be most agreeable to your court.

I present this matter to you, sir, quite naked of arguments to enforce the request. I am sure that you will do what you conceive to be right. You know our situation, and I presume that you are acquainted with the orders given to your administration.

With great respect, I have the honor to be, &c.,

ROBERT MORRIS.

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\* 2 Sparks' Dip. Rev. Corr., 439; 8 Bigelow's Franklin, 286.

† MSS. Dep. of State; 6 Sparks' Dip. Rev. Corr., 606.

Livingston to Carmichael.\*

PHILADELPHIA, *May 7, 1783.*

SIR: I congratulate you upon the turn our affairs are likely to take with you, and the prospect your letters open of a speedy connexion between us and the court of Madrid. Her cold and distant conduct (which I much lament) has somewhat damped the ardor of this country to render that connexion as intimate as possible. No people in the world are more governed by their feelings than the Americans, of which the late war was a striking proof, and those feelings have been long sported with in Spain. Yet men of reflection see the propriety of overlooking the past and forming in future a durable connexion.

We are necessary to each other, and our mutual friendship must conduce to the happiness of both. Should Spain have the magnanimity to reject partial considerations, and offer such a treaty of commerce as her own true interest and ours require, we shall now lay the foundation of a friendship that will endure for ages. But should she contend with us for the free navigation of the Mississippi, which is now ours by the titles; should she deny us the privilege of cutting wood in the bays of Campeachy and Honduras, while she grants it to the English, she will, without serving herself, injure us, and open the wounds which her kindness should close.

I have no particular directions to give you with respect to your mission; your conduct is perfectly agreeable to Congress, and I doubt not that you will continue to pursue such a line as will render you most acceptable to the court of Madrid. We have now no particular favors to ask, and the ground on which we stand will, I hope, preserve us from future neglects and enable you to obtain the justice you have been so long soliciting in those matters of a private nature which you mention.

I am surprised to hear that you have not received your salary, since it has been regularly remitted every quarter to Dr. Franklin ever since the 1st of January, 1782. By letters from Mr. Lewis Morris you will learn that the money paid here was laid out in bills of exchange at six shillings and three pence, this money, for five livres, and the bills sent out. This exchange was in your favor, but by the enclosed retrospective resolution (passed in consequence of a representation from Dr. Franklin that the salaries should not depend upon the fluctuations of exchange) Congress have deducted that advantage from the quarter's salary, which was due on the 1st of April. The balance will be paid in bills to Mr. Ross, agreeably to your order, as soon as I can prevail on Mr. Robert Morris to draw, which he says will be in a few days. No commission has been or will be charged by me upon these money transactions, so that your salary will be five livres five sous per dollar, considered at four shillings and six pence sterling, not without deduction, from the 1st of January, 1782.

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\* MSS. Dep. of State; 5 Sparks' Dip. Rev. Corr., 122, with verbal changes.



I need not tell you that the terms of the provisional treaty were very acceptable here; all but those articles that relate to the loyalists, upon which subject I fear the recommendations of Congress, when made, will not effect what is expected of them. Of this the unhappy people who are the objects of them appear to be very sensible, and are going in much greater numbers than I could wish to Nova Scotia. Congress have ratified the treaty; we are now mutually discharging prisoners. We shall send in about six thousand men in good health and spirits in return for a few hundred poor, debilitated wretches who have lost their health in the prison-ships. You will be struck with the contrast between our conduct to the captives and theirs, when I assure you that out of one thousand men confined in close jail in Philadelphia for a twelvemonth, but sixteen died. Though the knowledge of this can answer no political purpose at present, it is not amiss that facts which mark the humanity of a young nation should be known. The measures which Congress have lately adopted for securing half pay to the troops have given them satisfaction, and they look with patriotic pleasure to the hour of their dissolution. We have yet no knowledge of the time the British have fixed for the evacuation of New York, on which subject I imagine they have yet received no orders, though the communication between us and them is perfectly open at present. You will continue to employ your leisure in writing to us, and when no public business demands your attention let us learn from you the political and commercial history of the court and country you are in. In doing this I beg leave to remind you that general histories are in everybody's hands; that minute details are requisite to an accurate knowledge of a country.

I thank you for the information you have given relative to the siege of Gibraltar; it is curious and interesting.

I am, sir, &c.,

ROBERT R. LIVINGSTON.

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Franklin to Hartley.\*

PASSY, May 8, 1783.

DEAR FRIEND: I send you enclosed the copies you desired of the papers I read to you yesterday.† I should be happy if I could see, before I die, the proposed improvement of the law of nations established. The miseries of mankind would be diminished by it, and the happiness of millions secured and promoted. If the practice of privateering could be profitable to any civilized nation it might be so to us Americans, since we are so situated on the globe as that the rich commerce of

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\* 2 Sparks' Dip. Rev. Corr., 440; 8 Bigelow's Franklin, 287.

† See the proposition about privateering in Franklin to Oswald, January 14, 1783, *supra*.

Europe with the West Indies, consisting of manufactures, sugars, &c., is obliged to pass before our doors, which enables us to make short and cheap cruises, while our own commerce is in such bulky, low-priced articles as that ten of our ships taken by you are not equal in value to one of yours, and you must come far from home at a great expense to look for them. I hope, therefore, that this proposition, if made by us, will appear in its true light, as having humanity only for its motive. I do not wish to see a new Barbary rising in America, and our long extended coast occupied by piratical States. I fear lest our privateering success in the two last wars should already have given our people too strong a relish for that most mischievous kind of gaming, mixed blood; and if a stop is not now put to the practice, mankind may hereafter be more plagued with American corsairs than they have been and are with the Turkish. Try, my friend, what you can do in procuring for your nation the glory of being, though the greatest naval power, the first who voluntarily relinquished the advantage that power seems to give them, of plundering others, and thereby impeding the mutual communications among men of the gifts of God, and rendering miserable multitudes of merchants and their families, artizans, and cultivators of the earth, the most peaceable and innocent part of the human species.

With great esteem and affection, I am ever, my dear friend, yours most sincerely,

B. FRANKLIN.

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Livingston to H. Laurens.\*

PHILADELPHIA, *May 8, 1783.*

SIR: Congress have been pleased, in compliance with your request, to pass the enclosed resolution, giving you permission to return to America. I sincerely wish that your native air may confirm your health, which I hope has by this time amended by your residence at Bath, where I presume you have been, though I have had no advice of it. The provisional treaty has been very well received here, and has been ratified. The ratifications are sent to you and our other ministers at Paris.

I presume you have by this time made some progress in, if not entirely concluded, the definitive treaty, in which I dare say you have taken care to fix the day which is to deliver us from our troublesome guests, who cause great uneasiness to the unhappy people they keep out of their possessions. At present, we are quite at a loss to determine when this will be. We have returned them their prisoners, who amount to about six thousand effective men, so that you see we are not disposed to discover any distrust of the sincerity of our new friends, with whom we at present communicate on the former footing.

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\* MSS. Dep. of State; 1 Sparks' Dip. Rev. Corr., 739.

MAY 8, 1783.

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As I am uncertain whether this letter will reach you before you sail for America, I do not choose to enlarge or enter into any of those particulars relative to your late negotiations, on which, however, I have some inquiries to make, which I could wish to have answered by you. I wish you, before you leave France, to settle with Doctor Franklin, and to receive from him the amount of the bills remitted on your account, so that I may close my accounts.

I am, sir,

ROBERT R. LIVINGSTON.

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Dana to Ostermann.\*

ST. PETERSBURGH, May 8 [April 27, O. S.], 1783.

SIR: I do myself the honor to lay before your excellency the enclosed memorial, containing what I take to be the substance of the answer to my letter communicating my mission to your excellency, which you delivered to me verbally on the 23d ultimo, and also the reply which I then made to it, together with some other observations upon it, which, fearing to obtrude too much upon your time, I omitted to make. The whole being thus reduced to writing takes away all danger of mistakes on either part and may be more deliberately and accurately considered. I hope this will be deemed a sufficient apology for the additional trouble which it may give to your excellency. I pray you would be pleased to favor me with an answer to this memorial in writing, or otherwise to grant me the honor of an interview with your excellency, that I may know the final pleasure of her Imperial majesty respecting my mission.

I have the honor to be, &c.,

FRANCIS DANA.

MR. DANA'S MEMORIAL TO COUNT OSTERMANN.

The subscriber, named by the United States of America to reside near her majesty the Empress of all the Russias in the character of their minister, has the honor to lay before your excellency this memorial, containing the substance of the answer he received verbally from your excellency on the 23d ultimo [12th inst.] to his letter communicating to you his mission above mentioned, and also his reply to the same.

The answer which your excellency has given to him on the part of her Imperial majesty is unexpected, not only to himself, but to the United States also, for which last reason he is unable to say anything upon it from instructions. He nevertheless thinks it to be his duty in so extraordinary a case, which will not admit of his waiting for their particular instructions, to make use of his best discretion in replying to it. He prays, therefore, that this memorial may be considered as containing his private sentiments only. Whether they will accord with those of the United States he can not be certain. Sensible that it is the right of every sovereign to judge whether it is compatible with his views or the interests of his empire to receive the minister of another, and persuaded, also, that the United States have not even a wish to obtrude their minister upon any sovereign, the subscriber has not the least inten-

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\* MSS. Dep. of State; 4 Sparks' Dip. Rev. Corr., 687, with verbal changes.

tion to oppose himself to her Imperial majesty's pleasure, whatever that may finally be, but only to make such observations upon the answer he has received as have occurred to him, which, from the known justice of her Imperial majesty's character, he has no doubt will be taken into deliberate consideration and be allowed their full weight.

He would improve this occasion to express the high respect which the United States entertain for her Imperial majesty, and their sincere desire to cultivate the friendship of a sovereign whose glorious reign and eminent virtues have so long fixed the attention and commanded the applause of the world. They consider her as one of the first sovereigns of it, and in a manner the great legislator of nations, by her wise and equitable system of neutrality, which they have fully approved, and have made the principles of it the invariable rule of their conduct during the late war. Animated with sentiments of this kind, they wished to give some strong proofs of a distinguished attention and consideration for her Imperial majesty's person and government. With this view, they early named a minister to reside near her, that he might improve the first occasion to display his character which the course of events should afford. From these dispositions the United States were naturally led to expect that her Imperial majesty would be the first of the neutral powers, as they had intended, which should receive a minister from them.

## ANSWER.

1. Her Imperial majesty having been invited by the courts of Versailles, Madrid, and London to mediate, in conjunction with the Emperor, at the conclusion of the definitive treaty of peace between them, and having accepted that trust till those arrangements are completed and the definitive treaty is concluded, she can not, consistent with her character as mediatrix, receive a minister from America without the consent of those powers; the treaty with America is provisional only, and depends upon those arrangements. Though there is no doubt but they will take place, and the definitive treaty be concluded, yet till that is done, her Imperial majesty can not consider you in your character as the minister of America.

## REPLY.

The present mediation differs from the former one which had been tendered by their imperial majesties in two essential respects. That was tendered during the continuance of hostilities, and while the great object of the war, the independence of the United States, was still in question. It contained, also, a proposition which inseparably connected their interests with those of the other belligerent powers. At such a time for her Imperial majesty to have received a minister from the United States would have been to prejudice the most capital subject of the proposed negotiation, and most certainly repugnant to the character of a mediator, if not to the laws of neutrality. But in the present mediation there is no question relative to the United States, nor can there regularly be any made upon their interests, as they are not parties to the mediation, and consequently have no right to send their ministers to the Congress. If then the United States are not concerned in any arrangements to be made under the present mediation, the matter seems to rest upon the general law of nations, and to be reduced to this simple question: Whether the reception of a minister from them at this moment would be incompatible with the laws of neutrality? If their independence is already completely acknowledged by the King of Great Britain, is not the question decided in the negative?

In the preliminary treaty, "*his Britannic majesty acknowledges the United States to be free, sovereign, and independent States; that he treats with them as such; and for himself, his heirs, and successors, relinquishes all claim to the government, proprietary and territorial rights of the same, and every part thereof.*" But it is said the preliminary treaty between the United States and Great Britain is provisional only, and depends upon

the arrangements to be made at the conclusion of the definitive treaty between Great Britain and the other late belligerent powers, under the mediation of their Imperial majesties. If we look into that preliminary treaty, we shall find that the only provision or condition contained in it is, that the definitive treaty between the parties *"is not to be concluded until terms of a peace shall be agreed upon between Great Britain and France."* Now these terms having been agreed upon by the preliminary treaty between their most Christian and Britannic majesties, the preliminary treaty between the United States and his Britannic majesty has become absolute, and the definitive treaty between them may be concluded at any time, and without waiting for the conclusion of the definitive treaty of peace between France and Great Britain. It may not be improper to remark here that even that condition was not annexed to the acknowledgment of the independence of the United States; it was far from having been inserted into the treaty at the request of the British commissioner. It was inserted by the commissioners of the United States to save their faith plighted to his most Christian majesty. However this fact may be, it seems to be certain that neither the preliminary treaty nor definitive treaty between the United States and Great Britain can depend upon any arrangements to be made under the present mediation.

But if the case should be otherwise, it is conceived that the provisional nature of the preliminary treaty can not affect the acknowledgment of their independence by the King of Great Britain. For although, from abundant caution, this has been inserted into the preliminary treaty of peace, yet it has never been a subject of negotiation. The United States would never submit to negotiate for their independence—their very existence. They early resolved, and have uniformly persisted in that resolution, that they would not enter into negotiation with the King of Great Britain unless, as a preliminary thereto, he would acknowledge their independence. Hence the failure of many attempts to draw them into a negotiation without a compliance with that resolution. And hence the necessity the King of Great Britain has been under to revoke a former commission granted to Mr. Oswald, on the 7th of August last, to treat with them under the name of *"certain Colonies and Plantations in America,"* and of granting him a new one, on the 27th of September, in which he was authorized and required to treat of a peace or truce with the commissioners of the *"Thirteen United States of America"* (naming them all), *any law, act, or acts of Parliament, matter, or thing, to the contrary notwithstanding,"* giving them their proper corporate name and title.

Their independence being thus clearly, unconditionally, and solemnly acknowledged by this commission, passed under the great seal of the kingdom, as a preliminary to any negotiation, and in full compliance with the foregoing resolution, the negotiations were then, and not before, opened, and have, by the blessing of God, been brought to a happy conclusion. Their independence being once acknowledged, is it not irrevocable in its nature? If, in the moment the British commissioner entered into negotiation with the commissioners of the United States in virtue of his last commission, any neutral power had declared it would consider and treat them in every respect as sovereign and independent States, and would protect the lawful commerce of its subjects with them, would this have been a violation of the laws of neutrality? If not, much less could the King of Great Britain pretend it would be so after the conclusion of the preliminary treaty with them, after that treaty has become absolute by the conclusion of the preliminary treaty between his most Christian majesty and himself, after their majesties have ratified those treaties, after a cessation of hostilities has been proclaimed by them and also by the commissioners of the United States, and finally after the Parliament of Great Britain has solemnly engaged to observe and maintain those treaties, which puts an end to the question, if it was ever seriously made, upon the authority of the King to make such a treaty with the United States.

In conformity to sentiments of this kind, we have seen that the Queen of Portugal, a member of the neutral confederation, and a sovereign in the strictest amity with

the King of Great Britain, has, by an edict, opened the ports of her kingdom to the vessels of the United States, and promised them the enjoyment of the same hospitality and favor which the vessels of other nations there enjoy. In all probability the King of Denmark has adopted a similar line of conduct towards the United States.

## ANSWER.

II. When those arrangements shall be completed, and the definitive treaty be concluded, if you shall produce new letters of credence, bearing date since the King of Great Britain has acknowledged the independence of America, her Imperial majesty will be very willing to receive you as the minister of America. But it would be incompatible with that exact neutrality which she has hitherto observed, to receive you while your letter of credence bears date before that time.

## REPLY.

This objection seems deeply to affect the rights and interests of the United States. The United Colonies, on the 4th of July, 1776, erected themselves into an independent sovereign power. Great Britain, notwithstanding, kept up her claim of sovereignty over them, without having any in fact. The war was continued on the one part to maintain the actual possession of sovereignty, and on the other to regain that sovereignty which had been lost. Despairing of success, Great Britain acknowledges, but does not grant, the independence of the United States. The United States have not, therefore, acquired the rights of sovereignty in consequence of this acknowledgment of their independence. Their independence must necessarily have existed prior to the acknowledgment of it by the King of Great Britain. At what period, then, can the commencement of it be fixed, if not at the time when they declared themselves independent? Have they not, from the moment of the declaration of their independence, been constantly in the actual possession and full exercise of their sovereignty? Not to meddle with the matter of right, the fact is beyond all question. The subscriber thinks, therefore, it is incompatible for him to propose to the United States to revoke his present letter of credence because it bears date prior to the acknowledgment of their independence by the King of Great Britain, and to grant him another bearing date since that time, for the following, among other obvious reasons:

1st. Because it would be to propose to the United States, in effect, to strike off near seven years of their existence as free, sovereign, and independent States.

2dly. Because their compliance with it would amount to a confession, on their part, that they owed their existence as a free nation to the acknowledgment of their independence by the King of Great Britain.

3dly. Because it would go to annul all their acts of sovereignty prior to that period, and among others the important ones of their treaties with his most Christian majesty, and with the United Provinces of the Lower Countries, as well as their commissions granted to their ministers at the court of Madrid and other courts, and such treaties as they have already made or shall hereafter make in virtue thereof.

4thly. Because it would be repugnant to a resolution contained in their Declaration of Independence, viz., "that as free and sovereign States they have full power to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things which independent States may of right do."

The United States have been induced to constitute this mission thus early solely from the laudable views above mentioned. It is singularly unfortunate, then, that the very circumstance which they intended as a mark of particular respect and consideration for her Imperial majesty's person and government should be turned against them and have an operation to defeat the design of it.

Besides, it is to be observed that the King of Great Britain has, by his commission, consented to treat with the commissioners of the United States, whose powers bear

date long before he had acknowledged their independence, and without requiring them to produce new ones bearing date since that time, which is a strong and necessary implication that he did not consider that acknowledgment as conferring their sovereignty upon them, but that, on the contrary, they were a complete sovereign power before, and had a full right to name their ministers as such to treat with him of a peace. He can not, therefore, consider it as a violation of the laws of neutrality if any neutral power should consider them in the same light, and receive the irministers whose letters of credence bear date prior to his acknowledgment of their independence.

## ANSWER.

III. That besides, no minister has been received at the court of London from America yet, and her Imperial majesty could not consistently receive a minister from America before that court had done it.

## REPLY.

There seems not to lie any objections against the immediate reception of a minister from the United States at the court of London, which might not be made with equal force against the reception of ministers from any of the other late belligerent powers, and as they have already mutually sent and received ministers, it is highly probable there are in fact no such objections existing. The omission, therefore, must be attributed to the only apparent cause, viz., the great distance of the two countries, which alone would render the appearance of a minister from the United States at the court of London impossible. Unless it should be supposed that court is averse to forming any intimate connexions with the United States, the contrary of which seems to be the case from the generous, liberal, and wise policy they have in contemplation respecting them.

But if it should be laid down as a principle that the powers of Europe could not consistently receive a minister from the United States till one had been received at the court of London, it might have serious consequences upon the exercise of the rights of sovereignty, and the most important interests not only of the United States, but of such of the powers of Europe which have not already received a minister from the United States. For it would oblige them, whether they chose to do it or not, if they wished to form connexions with those powers, to send a minister to the court of London as a step necessarily preparatory to that end. And when they had done this it would be in the power of that court by refusing to receive him, to render their design abortive, and thus to prevent all friendly and beneficial intercourse between those powers and the United States, which can not be formed and maintained but by the instrumentality of public ministers.

If, then, it is clear that the United States are not at all concerned in the present mediation, that their provisional treaty has become absolute, and that their definitive treaty may be concluded at any time, and without waiting for the conclusion of the definitive treaty under the mediation; that their independence has been unconditionally acknowledged by the King of Great Britain as a preliminary to any negotiations; that it is irrevocable in its nature, and if the observations made upon the other objections are well founded, it is confidently hoped from that justice and impartiality which have ever formed so distinguished a part of her Imperial majesty's character that it will be thought all obstacles to the immediate reception of a minister from the United States are removed.

FRANCIS DANA.

St. PETERSBURGH, May 8, 1783.

Dumas to Livingston.\*

THE HAGUE, *May 8, 1783.*

SIR: The great blow of the suppression of the high council of war, and the restriction of the military jurisdiction, was finally and decisively struck in the states of Holland last week, as your excellency will see by the resolutions and publications in the gazettes sent with this; there is no doubt that the other Provinces will conform to that of Holland. Thus have the Republicans gained a signal victory over the other party, and which would never have happened but for the war which has so humbled the English and the Anglomanes.

I have seen the last despatches of the plenipotentiaries of this Republic at Paris to the grand pensionary, of the 25th and 28th of April, and of M. Tor, secretary of M. Brantzen, at London, of the 18th of April, received here the 3d of May, from M. Brantzen. It appears from these letters that they could not agree, either at Paris or London, upon the articles of peace between this Republic and Great Britain. The secretary, Mr. Fox, with whom M. Tor had two conferences, made evasive answers, and this *man of the people* does not seem to have the same esteem for the Republicans as formerly. He put two singular questions to M. Tor: 1st, why they were so dissatisfied with the Prince of Orange in the United Provinces? 2dly. What impression the measures of the King of Prussia in favor of the Prince had made? M. Tor, in turn, evaded these questions, which lead us to conclude that this *man of the people* is no better than the others. Meanwhile the deputies of Dort and Schoonhoven have proposed the reform of several great abuses in the army: 1st. The creation of supernumerary officers by raising them above their actual rank, and excusing them from service. 2dly. The venality of posts. 3dly. The introduction of foreign officers in the national regiments. These propositions have been committed. In due time I shall give an account of the report of the committee and of its result.

I am, etc.,

DUMAS.

Dana to Livingston.†

No. 26.

ST. PETERSBURGH, *May 9, 1783.*

SIR: Having very little doubt that this letter will be opened at the post office, I do but enclose a copy of the memorial spoken of in my last, which I sent yesterday to the vice-chancellor, and of my letter accompanying it. They will not, I presume, detain the letter merely to give themselves the trouble of copying or translating papers the origi-

\* 5 Sparks' Dip. Rev. Corr., 332.

† 4 Sparks' Dip. Rev. Corr., 695.



MAY 9, 1783.

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nal of which is in the hands of the principal minister. I have only to apologize to you for the slovenly appearance of this copy, with its interlineations and obliterations. I have not time to make a fair copy for this day's post, and though but a few days might be lost here by waiting for the next post, yet an opportunity might be lost for a long time by it, of forwarding it from some port in France.

I have the honor to be, etc.,

FRANCIS DANA.

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Dana to Livingston.\*

No. 27.

ST. PETERSBURGH, *May 9 (April 28, O. S.), 1783.*

SIR: By this day's post I have sent you, by the way of France, a copy of a memorial which I yesterday delivered to the vice-chancellor. In that I have expressly declared that I could not reply to the answer I had received from instructions, and desired that it might be considered as containing my private sentiments only upon the subject. This I thought it advisable to do, not only because it was the strict truth, but that Congress might be more at liberty, if they should judge it expedient, to disavow the whole. A reply I deemed absolutely necessary for me to make, to endeavor to show that the objections which had been made to my immediate reception were invalid in themselves. Whether I have succeeded in this design is for others to judge. It is to be observed, however, that I have thought myself under the necessity of omitting to urge some very obvious and forcible reasons, from an apprehension that from the extreme sensibility of her Imperial majesty, they would give offence, which I was determined to avoid as far as possible without sacrificing the honor of the United States.

What the effect of this memorial will be, is impossible to say. I have no sanguine hopes from it. If it should not effect a change of resolution upon the matter, I still think I ought to leave this empire without waiting here at least six months longer to learn certainly whether Congress would consent to revoke my present letter of credence, and to grant me a new one bearing date since the acknowledgment of the independence of the United States by the King of Great Britain, of which I have not the least expectation. But if they should be inclined even to do this, would it not be more eligible for me to return, when they would have an opportunity to get rid of the matter without any revocation of letters of credence, by nominating another minister after I had quitted the empire. If I might offer my opinion upon this subject, I do not think the advantage of a minister at this court will compensate for the expense of it.

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\* MSS. Dep. of State; 4 Sparks' Dip Rev. Corr., 695.

Of all the causes which might occasion this answer of her Imperial majesty, I can think of none which is likely to have more influence in the case than the second matter pointed out in my letter No.—as having happened since my communication was made. It will be wondered, perhaps, how that could have such an effect, and it may be supposed it would naturally have a direct contrary one. I supposed quite otherwise when I mentioned it, and I feared the consequence of it when it was known here. This is to be accounted for only from particular local knowledge of what kind of influences governs here. I shall lose this day's post if I do not immediately close this letter.

I have the honor to be, &c.,

FRANCIS DANA.

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Livingston to Franklin.\*

PHILADELPHIA, *May 9, 1783.*

SIR: We have yet had no information from you subsequent to the signature of preliminary articles by France, Spain, and Great Britain; though we have seen a declaration for the cessation of hostilities signed by you, Mr. Adams, and Mr. Jay.

We grow every day more anxious for the definitive treaty since we have as yet discovered no inclination in the enemy to evacuate their posts; and in sending off the slaves they have directly infringed the provisional treaty, though we on our part have paid the strictest regard to it. This will be more fully explained by the enclosed copy of a letter from General Washington containing a relation of what passed between him and General Carleton at a late interview. Let me again entreat that no doubt may be left in the treaty relative to the time and manner of evacuating their posts here. Without more precision and accuracy in this than we find in the provisional articles we shall soon be involved in new disputes with Great Britain.

Our finances are still greatly embarrassed. You may in part see our distress and the means Congress are using to relieve themselves by the enclosed pamphlet, which I wish you and your colleagues to read, but not to publish.

The enclosed resolution imposes a new task upon you. I hope you will find no great difficulty in procuring the small augmentation to the loan which it requires. Be assured that it is extremely necessary to set us down in peace.

None of the States, though frequently called upon, have sent me the estimates of their losses by the ravages of the British, except Connecticut and Rhode Island, and their accounts are extremely imperfect. Such as they are, I enclose them. For my own part I have no great expectation that any compensation for these losses will be procured;

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\* MSS. Dep. of State; 2 Sparks' Dip. Rev. Corr., 441, with verbal changes.

however, if possible, it should be attempted. Commissioners might be appointed to ascertain them here.

Great part of the prisoners are on their way to New York, and the whole will be sent in a few days. They will amount to about six thousand men.

Our ports begin to be crowded with vessels. There is reason to fear that a superabundance of foreign articles will, in the end, produce as much distress as the want of them has heretofore occasioned.

I have the honor to be, &c.,

ROBERT R. LIVINGSTON.

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Livingston to the Chairman of a Committee of Congress.

PHILADELPHIA, *May 9, 1783.*

SIR: The inquiries that the committee were pleased to do me the honor to make this morning relative to my continuing to exercise the office of Secretary of Foreign Affairs were extremely embarrassing to me, because, on the one hand I find it impossible to continue in the office on the present establishment without material injury to my private affairs, and on the other to propose the terms on which I would stay would be to overrate my own importance, and to suppose that others could not be had upon such conditions as Congress have been pleased to consider as sufficient. Having given my whole time and a considerable part of my property to the public during the war I see with pleasure that the affairs of the United States are not now in such a situation as to render the contributions of an individual necessary. It is my wish to endeavor to repair the injuries my estate has sustained by the ravages of the enemy and my own neglect by the offices I have held.

From my former letter Congress will be able to judge how far my expenses in the office exceed the salary. But, as it by no means follows that another, with greater economy and humbler but perhaps more just ideas of the importance of this office, could not live at less expense, I do not think that mine should be any reason to induce Congress to make other changes than such as they shall of themselves deem necessary. And in this view I requested the committee that called upon me last winter to keep the matter of emoluments entirely out of sight in their report, as I then considered my stay only as a temporary inconvenience.

At present, sir, I must choose between the office I have been honored with from Congress and an important State office. If I continue in the first I must suppose it the business of years, and lose sight of all other objects in my own State, where I have something to hope from my connexions and the favor of my countrymen, and where I possess an estate

\* MSS. Dep. of State; 6 Sparks' Dip. Rev. Corr. 243, with minor variations, giving the date as May 19, and not May 9, as in MSS.

the value of which depends in a great measure upon my attention to it. Under these circumstances I flatter myself that the committee will not think me blamable when I assure them that, though I am willing to give my time and services to the public if they should be deemed necessary, yet I can not in justice to myself or my family, add to this gift that of such a portion of my property as I find absolutely necessary to support the office I hold.

Permit me, gentlemen, to add, that having no wishes upon this subject, I am sincerely desirous that personal considerations may not enter into the arrangements that Congress make thereon. I feel myself extremely honored by the attention they have shown me in directing you to confer with me on this subject, and I reflect with great pleasure on the reasons I have had to be satisfied with their conduct towards me since I have been honored with the office.

I am, gentlemen, &c.,

ROBERT E. LIVINGSTON.

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Grand to the Peace Commissioners.\*

PARIS, May 10, 1783.

GENTLEMEN: It is some months ago since I had the honor to write you, and am well persuaded, although I received no answer thereto, that it will have engaged your attention. I earnestly wish it may have been productive of an improvement to the finances of Congress, which I then foresaw would be short of our wants and which is unfortunately too much the case at present.

Last month I remitted to the honorable Robert Morris the state of his account, the balance of which was 413,892 livres 13c. 9s. due to me. This, added to the subsequent payments I had to make, would have thrown me into a state of perplexity had it not been for the assistance given me by the *Garde du Trésor Royal*.

You will see, gentlemen, by the statement I have the honor to enclose for your consideration, that the sums I am to pay exceed by one million those that are to be paid me. And making even abstraction of all that is not Mr. Morris' bill, there still remains a deficit of 500,000 livres, independent of the allowance to be made for his usual wants from January 24th (date of his last bills) up to the 12th of March.

I am happy to have it in my power to say that I have exerted to this instant all that my zeal and my faculties could suggest to me. Did the last keep pace with the former, I should never have applied but to them. However, the state of affairs is such now that a resolution must be taken relative thereto, and even without delay. The bearers of Mr. Morris' bills growing so urgent upon me that, rather than to have oc-

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\* 5 Sparks' Dip. Rev. Corr., 487.

**GRAND.**

\* 6 Sparks' Dip. Rev. Corr., 610.

risk the public credit by an excess of drafts, or on the other leave their moneys unemployed while they experience severe distress from the want.

I am, sir, with perfect respect, &c.,

ROBERT MORRIS.

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Morris to Barclay.\*

OFFICE OF FINANCE, *May 12, 1783.*

SIR: I have received from you many letters, which I beg leave to acknowledge.

The bills drawn by order of Congress at a long sight on their ministers, as well in Spain and Holland as in France, have involved the affairs of my Department in a labyrinth of confusion from which I can not extricate them, and I very much fear that many of these bills will have been twice paid. I know not what has been done respecting them, and only know that ever since I entered into office they have not only plagued and perplexed me, but they have invariably consumed the resources on which I have formed a reliance. I have now determined to refer them all to Mr. Grand for payment, but according to such arrangements as you shall take. You will be pleased, therefore, to consult with Dr. Franklin, Mr. Adams, Mr. Laurens, and Mr. Jay, to whom I write on the subject, as you will see by the enclosed letters.

I enclose you an account from the treasury of what bills have been drawn on those gentlemen, and I am to request that you will obtain as soon as possible an account of the payments made on them, as also of those which are still due, and take measures to have them paid by drafts for the purpose, if necessary, on Mr. Grand, and provide against the double payments, which I fear. I have already ordered funds into Mr. Grand's hands. Some I expect from you. As the credit I gave you has not been used, that alone furnishes a part, and I expect there will be considerable balances from the sales of the *Alliance's* prizes, of which I am daily expecting your accounts, &c. You will also, I suppose, have recovered the insurance you made to the amount of forty thousand florins, which will be something. Every aid which you can bestow is necessary, for I fear those bills will plunge him into great difficulties, and the protest of any public bills, particularly any which I should draw, would reduce our affairs here to infinite distress.

I am also to request of you, that you will cause as soon as possible all the accounts of the clothing, arms, and other supplies to be liquidated and transmitted, so that they may be properly adjusted here; for at present, that business is in a state of extreme confusion.

I am, sir, &c.

ROBERT MORRIS.

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\* 6 Sparks' Dip. Rev. Corr., 609.

Morris to the Governors of the States.\*

OFFICE OF FINANCE, *May 12, 1783.*

SIR: I do myself the honor to enclose to your excellency acts of Congress of the 28th of April and 2d instant, together with a copy of my letters in answer. Permit me to assure you, sir, that nothing would have induced me to continue in office but a view of the public distresses. These distresses are much greater than can easily be conceived. I am not ignorant that attempts are made to infuse the pernicious idea that foreign aid is easily attainable, and that of the moneys already obtained a considerable part remains unappropriated. If such attempts were injurious only to my reputation I should be entirely silent; but they are calculated to prevent exertions, and are, therefore, injurious to the public service. I most seriously assure you that I do not expect success in the application to France, directed by the act of the 2d instant, although my earnest endeavors shall not be wanting.

If, however, it should prove successful we shall only be enabled to draw resource from it at a future period, and the amount is to be replaced from the produce of existing requisitions on the States. With respect to the moneys which have already been obtained abroad, I will not pretend to say what lights those gentlemen may have who speak on the subject in a decisive tone, but I candidly acknowledge that I have never yet been able to obtain a clear statement of them, which is the reason why no account of those moneys have yet been laid before the public. Those who know the confusion in our domestic transactions, from which we are just beginning to be extricated, will not be surprised that foreign transactions dependent on them should also be deranged. Neither can it be expected that in the midst of war the accounts could be so soon adjusted and transmitted as could be wished. I have written to obtain them, and a commissioner is employed in adjusting them. From the best statement and estimate which I have, I can assure you that what remains at my disposition is extremely small.

Your excellency is doubtless informed that, at the close of last year, there was an anticipation on the public credit to the amount of above four hundred thousand dollars. This anticipation amounts to a greater sum now than it did then, and a very considerable addition must be made at the disbanding of the army. My mere assertion might, I am sensible, be drawn into doubt, but, sir, there is evidence sufficient to convince every considerate man. The expenses of 1782 were above twenty-two hundred thousand dollars; those of 1783 are greater by a month's pay made to the army and by extending the contract for rations. Near five months of this year are already expired. One month's pay of the army is above two hundred and fifty thousand dollars, according to the establishment, and although the army is not completed to its establishment, yet the deficiency, being in private sentinels, will not form a great deduction.

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\* MSS. Dep. of State; 6 Sparks' Dip. Rev. Corr., 607.

The conclusion from what I have stated is clear and irresistible; there is no reliance but on the energy of the States, and it is on that reliance that I rest for the affairs of my department. I shall not add anything to what is said in the resolutions of Congress as inducements for or to stimulate exertions, because I can not suppose that the voice or the word of an individual servant will meet an attention which is not paid to the representation of the whole empire, expressed in its solemn acts, and on the most urgent occasion, where wisdom, justice, and gratitude combine to enforce the requisition.

I am, dear sir, yours, &c.,

ROBERT MORRIS.

**La Fayette to the Peace Commissioners.\***

PARIS, *May 12, 1783.*

GENTLEMEN: Having yesterday conferred with Count de Vergennes upon some public concerns, he requested I would tell you what, instead of troubling you with a demand of a meeting, I think better to mention in this note.

The several powers, said he, are going to make up their treaties, and when ready to sign they will, of course, meet to do it all together. The mediation of the Emperor and that of Russia have been required, and under that mediation the French treaty will be signed; it now rests with America to know if she will conclude her treaty under the mediation or chooses to let it alone. There is no necessity for it. But in case you prefer to have it, Count de Vergennes thinks it is time to join with England in making a combined application to the court of Vienna and that of Petersburg.

So far, gentlemen, I have been requested to speak to you. I will add that from my last conferences on the subject, I hope we may get the harbor of L'Orient, as we have wished, for the American trade.

Be pleased to accept the assurances of my great and affectionate respect.

LA FAYETTE.

**Dana to Livingston.†**

No. 28.

ST. PETERSBURGH, *May 13 (May 2, O. S.), 1783.*

SIR: I did myself the honor to forward to you by the last post of the 9th instant, by the way of France, a copy of the memorial I presented the day before to the vice-chancellor, and of my letter accom-

\* MSS. Dep. of State; 5 Sparks' Dip. Rev. Corr., 489; 2 La Fayette Memoirs, 71.

† MSS. Dep. of State; 4 Sparks' Dip. Rev. Corr., 696, with verbal changes.



panying the same. By this day's post I send you a second copy of them through the same channel, and a third by the way of Holland. I wrote you a separate letter on the day of the last post, not thinking it advisable to trust it with the packet. For the same reason I send those by to-day's post unaccompanied with any letter to you.

I have before given it as my opinion that if this answer of her Imperial majesty should be persisted in it will not wound the honor or dignity of the United States in the sentiment of any sovereign of Europe. I am more and more confirmed in this opinion as I reflect upon the objections which have been raised against the immediate reception of a minister from the United States. They appear to me to be totally unsupported by any principles of sound policy or of the laws of nations. So far from its being thought that the communication has been precipitated, I believe it is rather a matter of wonder why it was so long delayed. Every one will see that the course of events had most certainly prepared the way for it, judging upon any fixed principles. The other neutral powers were accordingly inviting the United States to enter into political connexions with them, and none of them have really a stronger interest to do so than this empire. The account alluded to in my letter of the 25th of April, as having been transmitted to me by Mr. Adams, is as follows (extract of a letter from William Lee, February 18, 1783): "I am advised, from very good authority, that the Emperor is desirous of entering into a treaty of commerce with the United States of America, on terms of equality and mutual advantage. Therefore, shall be much obliged to you for informing me if there is any person in *Europe* authorized by Congress to enter into such a treaty with her Imperial majesty," &c.\* Is it probable, after such an inquiry, that that illustrious sovereign, if any of your ministers in Europe had communicated such powers, would have made either of the objections which have been raised here? The motives which have given occasion to so singular a determination on the part of her Imperial majesty will be known. I can speak very generally only upon this subject while I remain here. I must again, therefore, beseech Congress to suspend forming any judgment upon this matter.

I propose to wait a reasonable time for an answer to my memorial. If none should be given, or the former one should be persisted in, I shall then set off for Stockholm, from whence I will write to you more

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\* This statement of William Lee was on its face based on authority not given, and is as unreliable as the statement made by the Lees, through Adams, of the desire of the courts of Vienna and of Berlin to receive ministers from the United States. There was no such desire, at least not until after Britain's acknowledgment of American independence; nor was it natural that there should be any such desire. "My trade is that of a king" the German emperor said when spoken to on the subject in France; and his policy and that of Frederick and Catherine was to support the trade. That Catherine was resolutely averse to the American cause until after the definitive peace there is now no question. As to the attitude of Catherine to the United States during the Revolution, see Introduction, § 92.

freely, first taking another step, which at present appears to me advisable—I mean to communicate what has passed at this court to the foreign ministers, to prevent any misrepresentations to the prejudice of the United States. The truth I think can do them none.

I am in hopes of receiving an answer to the memorial in a few days, and will transmit you an account of it immediately. In the meantime I am preparing to quit this city in case it should not be such as we have a right to expect from the uniform conduct of the United States respecting her Imperial majesty.

I have the honor to be, &c.,

FRANCIS DANA.

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Madison to Jefferson.\*

PHILADELPHIA, May 13, 1783.

DEAR SIR: Marbois lately took occasion in our family to complain of ungenerous proceedings of the British against individuals, as well as against their enemies at large, and finally signified that he was no stranger to the letter transmitted to Congress, which he roundly averred to be spurious. His information came from Boston, where the incident is said to be no secret; but whether it be the echo of letters from Philadelphia or has transpired from the correspondence of Mr. Adams to his private friends is uncertain. This conversation passed during my absence in New Jersey, but was related to me by Mr. Carroll.

A project for a treaty of commerce with Great Britain has been reported by the Secretary of Foreign Affairs, and is now in the hands of a committee. The objects most at heart are: first, a direct trade between this country and the West Indies; secondly, a right of carrying between the latter and other parts of the British empire; thirdly, a right of carrying from the West Indies to all other parts of the world. As the price of these advantages, it is proposed that we shall admit British subjects to equal privileges with our own citizens. As to the first object, it may be observed, that the bill lately brought into the British Parliament renders it probable that it may be obtained without such a cession; as to the second, that it concerns the Eastern States chiefly; and as to the third, that it concerns them alone—whilst the privilege to be conceded will chiefly if not alone affect the Southern States. The interest of these seems to require that they should retain at least the faculty of giving any encouragement to their own merchants' ships or mariners, which may be necessary to prevent a relapse under Scotch monopoly, or to acquire a maritime importance. The Eastern States need no such precaution.

General Washington and General Carleton have had an interview on the subject of arrangements for executing the provisional treaty. It was

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\* 1 Madison Papers, 531.

interrupted by the sudden indisposition of the latter. In the conversation which took place he professed intentions of evacuating New York and all the posts in the United States held by British garrisons as soon as possible, but did not authorize any determinate or speedy expectations. He confessed that a number of negroes had gone off with the refugees since the arrival of the treaty, and undertook to justify the permission by a palpable and scandalous misconstruction of the treaty, and by the necessity of adhering to the proclamations under the faith of which the negroes had eloped into their service. He said that if the treaty should be otherwise explained, compensation would be made to the owners, and, to make this the more easy, a register had been and would be kept of all negroes leaving New York before the surrender of it by the British garrison. This information has been referred by Congress to a committee. But the progress already made in the discharge of the prisoners, the only convenient pledge by which fair dealing on the other side could be enforced, makes it probable that no remedy will be applied to the evil.

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Washington to Luzerne.\*

HEADQUARTERS, May 13, 1783.

SIR: We are making some preparations in the army for a display of our joy on the happy event of a general peace. The exhibition will be delayed till the arrival of the definitive treaty. If your excellency can make it convenient to honor us with your company on the occasion, it will be a great addition to our happiness.

I take the liberty to put under cover to your excellency several letters which I wish to convey to some gentlemen of your army late in America. If the Duc de Lauzun should have sailed before their arrival, I shall be much obliged by your care of their conveyance by some other good opportunity.

With great regard and respect,

GEORGE WASHINGTON.

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Washington to Livingston.†

HEADQUARTERS, May 13, 1783.

SIR: Your favor of the 3d came to hand by the last post. Before this time you will have seen the report I made to Congress of the interview with Sir Guy Carleton. I am very sorry its result proved so indecisive. That this arises from the cause you mention I am not fully persuaded. I believe a want of information from his court, which had been for some time without any administration, has been a great embarrassment to him.

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\* MSS. Dep. of State; 6 Sparks' Dip. Rev. Corr., 120.

† MSS. Dep. of State; 6 Sparks' Dip. Rev. Corr., 243.

The civil jurisdiction of West Chester county Sir Guy Carleton appeared very willing, in his conversation, to relinquish to the State; but what reply he will make to the governor when he comes to reduce it to writing, I know not. Long Island he seemed to think could not be so easily delivered up. It would be attended with many inconveniences, and he mentioned particularly the facility it would give to desertions, and the necessity of holding it for the accommodation of those people who must eventually be obliged to leave the country. Staten Island was also necessary for his convenience.

I have had no reply from Sir Guy since his return to New York, nor I presume, has Governor Clinton heard anything from him.

I have the honor to be, &c.,

GEORGE WASHINGTON.

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**An Order of the British Council.\***

Copy of the order in council, the 14th of May, 1783, read to and left with the American ministers this 21st day of May, 1783, by Mr. Hartley.

AT THE COURT OF ST. JAMES,  
May 14, 1783.

Present: The King's most excellency majesty in council.

Whereas, by an act of Parliament passed this session, entitled "An act for preventing certain instruments from being required from ships belonging to the United States of America, and to give to his majesty for a limited time certain powers for the better carrying on trade and commerce between the subjects of his majesty's dominions and the inhabitants of the said United States," it is, among other things, enacted that during the continuance of the said act it shall and may be lawful for his majesty in council, by order or orders to be issued and published from time to time, to give such directions and to make such regulations with respect to duties, drawbacks, or otherwise, for carrying on the trade and commerce between the people and territories belonging to the crown of Great Britain and the people and territories of the said United States as to his majesty in council shall appear most expedient and salutary, any law, usage, or custom to the contrary notwithstanding. His majesty does, therefore, by and with the advice of his privy council, hereby order and direct that any oil, or unmanufactured goods, or merchandises, being the growth or production of any of the territories of the said United States of America, may (until further order) be imported directly from thence into any of the ports of this kingdom, either in British or American ships, by British subjects, or by any of the people inhabiting in and belonging to the said United States, or any of them, and such goods and merchandises shall and may be entered and

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\* 5 Sparks' Dip. Rev. Corr., 491.

landed in any port in this kingdom upon payment of the same duties as the like sort of goods are or may be subject and liable to if imported by British subjects in British ships from any British island or plantation in America, and no other, notwithstanding such goods or merchandises, or the ships in which the same may be brought, may not be accompanied with the certificates or other documents heretofore required by law; and it is hereby further ordered and directed that there shall be the same drawbacks, exemptions, and bounties on merchandises and goods exported from Great Britain into the territories of the said United States of America, or any of them, as are allowed upon the exportation of the like goods or merchandise to any of the islands, plantations, or colonies belonging to the crown of Great Britain in America; and it is hereby further ordered and directed that all American ships and vessels which shall have voluntarily come into any port of Great Britain since the 20th of January, 1783, shall be admitted, together with the goods and merchandises on board the same ships and vessels, to the full benefit of this order; and the right honorable the lords commissioners of his majesty's treasury, and the lords commissioners of the admiralty are to give the necessary directions herein as to them may respectively appertain.

WILLIAM FAULKNER.

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Morris to a Committee of Congress.\*

OFFICE OF FINANCE, *May 15, 1783.*

GENTLEMEN: In consequence of the conversation which passed between us this morning, I shall give you the best information in my power as to the state of my department and the resources I can command.

You have in the enclosed paper an account of receipts and expenditures from the commencement of the year to the end of the last month, by which it appears that there is an advance on credit to the amount of near six hundred thousand dollars, exclusive of what may appear in Mr. Swanwick's accounts for the month of April. A large sum is also due on General Greene's drafts, and the contractors are to be paid in this month for the supplies of January last. At the end of this month, therefore, that anticipation must necessarily be much increased, as will appear from the slightest reflection after what is to be said of our resources.

These are either foreign or domestic. As to the first, I enclose the copy of the last letter I have received from Mr. Grand, and I have to add to what is contained in that letter that the day it was received my drafts on him, over and above those mentioned in it, amounted to three millions forty thousand two hundred and seventy-eight livres. I have

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\* MSS. Dep. of State; 6 Sparks' Dip. Rev. Corr., 611.

directed, therefore, Mr. Barclay to pay over to Mr. Grand any moneys which may be in his possession, and I have directed Messrs. Willink & Co., of Amsterdam, to do the same, after deducting what may be necessary to pay the interest of their loan falling due the 1st of June next. But as I have no accounts of how much has been borrowed since the end of January, and as all which had been borrowed before was disposed of, I cannot determine how far they can come in aid of Mr. Grand. Neither can I tell, until the receipt of his accounts, what aid he may stand in need of. In these circumstances I am obliged to leave about eighteen hundred thousand livres (which remain of a sum placed in the hands of Messrs. Le Couteulx for answering drafts intended through Havana) to answer any deficiency of other funds to pay my drafts on Mr. Grand. These, then, gentlemen, are all the foreign resources, except what the French court may advance on the late resolutions of Congress, and you will see by the enclosed translation of a letter from the minister of France what little hope is to be entertained from that quarter.

Our domestic resources are twofold; first, certain goods and other property, such as horses, wagons, &c. These latter will produce very little, and the former are by the peace very much reduced in value, and from the nature of the goods themselves they are chiefly unsalable. Very little reliance, therefore, can be placed on this first dependence. The amount I can not possibly ascertain, for I do not yet know, and can not until the opening of them, now in hand, shall be completed, the kinds, quality, and situation. Some are damaged; those which were deemed most salable have been tried at vendue and went under the first cost, and much the greater part will certainly not sell at a fourth of their value.

The only remaining resource is in the taxes, and what they may amount to it is impossible to tell. But you have enclosed an account of what they yielded the four first months of this year, and you will see from thence that, if all expense had ceased on the first day of this month, the anticipations already made would not have been absorbed by the same rate of taxation in eight months more.

Now then, gentlemen, you will please to consider that if your army is kept together they will consume as much in one month as the taxes will produce in two, and probably much more. To make them three months' pay will require, I suppose, at least six hundred thousand dollars, and every day they continue in the field lessens the practicability of sending them home satisfied. The anticipations of revenue are threefold; two of which appear as to their effects in the public accounts, and one very considerable one, though it produces great relief, is not seen. It consists in the drawing of bills on me for the public service by different persons and at different usances. I imagine that these amount at the present moment to one hundred thousand dollars. The other anticipations consist in loans from the bank on the issuing of my own notes. As to the first of these, it is limited in its nature by the

capital of the bank, which being small will not admit of great deductions, and it depends much upon circumstances whether the bank will go to the extent which they may go. If they find the revenues increasing and the expenses diminishing they will, but otherwise they certainly will not. As to the notes I issue, and which form the greatest part of my anticipations, these have also a certain limit, to exceed which would be fatal. I must not so extend that circulation as that I shall be unable to pay them when presented, for that would totally destroy their credit, and of course their utility.

If anything of this sort should take place before the army are disbanded, you will see at once that they could be fed no longer, and must of course disband themselves. I will not dwell on the consequences, but I will draw one clear conclusion, which you have doubtless by this time anticipated, viz., that unless they are disbanded immediately the means of paying them, even with paper, will be gone. And this sentiment I have not [only] delivered to you, but to a former committee, as well as to many individual members of Congress.

But when I speak of disbanding the army, I beg to be understood as meaning to reserve a sufficient garrison for West Point; and on this subject I pray to be indulged in a view of our political and military situation as far as relates to this capital object of my department. And first, as to our political situation, I conceive that we are at peace. It is true that the definitive treaty is not, that we know of, completed; but it is equally true, that all the other belligerent powers have been disarming for months past, and I presume they are at least as well acquainted with the state of things as we are. To express doubts of the sincerity of Britain on this subject is, I know, a fashionable, but in my opinion a very foolish, language. We have the best evidence of their sincerity which the nature of things will admit, for we know they are unable to carry on the war, and we see and feel that they are passing every act, and doing everything in their power to conciliate our affections. Expressions of doubts as to their sincerity, if intended to foster enmity against them, will fail of the effect and produce the direct contrary, for everybody will soon learn to consider them as unjustly suspected, and their ministers will take care to inculcate and enforce the sentiment.

As to our military situation, some of the troops in the southern States have already mutinied, the principal part of them are ordered away, and since the Floridas are ceded to Spain, it follows that those troops which may remain in the southern States will have to operate against the Spaniards if they operate at all. So that every man, except those under the General's immediate command and the little garrison at Fort Pitt, are in fact disbanded to every purpose but that of expense.

The prisoners are some of them going and the rest gone into New York, so that in a few days the enemy will be able to do everything which they could do if the greater part of our army were gone home; for they could not take West Point if it is properly garrisoned, and

they could ravage the country in spite of our army when theirs shall be all collected.

Our situation, therefore, seems to be this: We are keeping up an army at a great expense, and very much against their inclinations, for a mere punctilio, and by that means incapacitating ourselves from performing what they begin to consider as a kind of engagement taken with them. I shall detain you no longer on this subject, but must repeat one observation, which is, that unless the far greater part of our expenses be immediately curtailed, the object Congress had in view by their resolutions of the 2d instant can not possibly be accomplished.

I have the honor to be, &c.,

ROBERT MORRIS.\*

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Dana to J. Adams.†

ST. PETERSBURGH, *May 15, 1783.*

SIR: You will see with astonishment, I dare say, the objections that have been raised against my immediate reception at this court. I must acquaint you that the first has taken place since I made my communication; the courier having arrived here with the proposals three days after, viz., on the 27th of February. However, I think it far from being a solid objection. The second is of so extraordinary a nature that it is impossible, in my opinion, that the United States can ever comply with it. If they should incline to do it, it shall never be done upon my request. I would perish before I would propose it to them. If they have not lost all sense of their own dignity—and I believe they have not—they would sooner resolve never to send a minister to this court during the life of the present sovereign. I have said all upon that point that I thought it prudent to say in my memorial; but you will at once perceive I must have suppressed some very forcible arguments merely to avoid giving offence. It is not my business to embroil matters between the two countries; quite otherwise.

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\* MAY 13. Mr. Gorham and Mr. Hamilton, two members of a committee of Congress for conferring with the Secretary of War, the Secretary of Foreign Affairs, and myself, relative to disbanding the army, met this morning. I opened the business, and stated very fully the necessity of disbanding the army, in order to get clear of an expense which our resources are unequal to, and which can not be supported many months at any rate, but which, if continued any longer, will consume the only means now left for making a payment to the army when disbanded. The gentlemen of the committee seemed perfectly satisfied of the necessity of disbanding the army on principles of economy, but opposed to it on principles of policy, in which the Secretary of Foreign Affairs joins with them. The Secretary at War said little, and I related an observation which he had made to me a few days before in favor of disbanding the army directly, viz: that they would not continue in the field under their present enlistments if the war were to break out again; but that in such a case we must begin entirely anew. The conclusion of the conference is, that I am to state the reasons resulting from the situation of our finances which induce an immediate disbanding of the army in writing to the committee.—*Diary.*

†4 Sparks' Dip. Rev. Corr., 689.



With this view I have openly disavowed all instructions relative to the subject and expressly desired that my reply may be considered as containing my private sentiments only. This leaves Congress at full liberty to avow or disavow whatever they think proper. They may sacrifice my reputation and character if they judge the interests of our country require it, but I will never sacrifice the dignity of the United States by seeming for a moment to give into a proposition which I conceive would be an eternal disgrace to them. For this reason I have resolved, after waiting a reasonable time for an answer to my memorial, if none should be given, or the first be persisted in, to return with all speed to America; which again will be the means of leaving Congress more at liberty to act, by affording them an occasion of sending another minister here, if they should incline to do it, without being under the necessity of revoking my letter of credence and granting me another bearing date since the acknowledgment of our independence by the King of Great Britain. I spare all reflections upon this system, if it can be called one, of politics, and shall not attempt to account for it at this time.

I have the honor to be, &c.,

FRANCIS DANA.

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Morris to General Greene.\*

OFFICE OF FINANCE, *May 16, 1783.*

SIR: Your bills on me fall very heavy, and I am in hourly apprehension of being unable to pay them. You will see, therefore, that it is utterly impossible to send money for your military chest. I hope, however, and expect that the sales of the public property will provide you more money than you stand in need of. I know not what orders the Secretary of War may give, but if they be agreeable to my wishes they will contain an absolute dismission of all the troops in your quarter, for I can see no use in keeping them together.

The attacks made upon you might reconcile me to those which I experience, for they show that no conduct, however just, can possibly escape censure. It is far easier to be faultless than blameless, and the experience I have had in this way leads me to a total disregard of all things, so far as conduct is to be determined. But I must at the same time acknowledge that I can not help feeling indignation whenever they are made. They are for the most part mere ebullition of low malice, and if rightly understood contain the most indisputable acknowledgment of merit. Let this reflection console you for what you have already experienced and what may yet be behind.

I thank you for the sentiments you express in my favor. You will have seen that, contrary to every private interest and sentiment, I have

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\* MSS. Dep. of State; 6 Sparks' Dip. Rev. Corr., 614.

agreed to a longer continuation in office, and you may rest assured that nothing but a view of the public necessities should have induced me still longer to bear up under the burden ; not because I regard the calumnies I meet with, for although they excite my feelings they shall not influence my conduct, but because I do not think those measures are pursued which are calculated for the happiness of my country, and I do not wish to participate in any others.

There are many persons in the southern States who think the measures of Congress and of their servants are directed to the particular good of Pennsylvania, and more who pretend to think so. It is a little history of human weakness, and I might say meanness, the manner in which antipathies have been imbibed and propagated with respect to my department. One sample will show the texture of the whole piece. While I was in advance, not only my credit, but every shilling of my own money and all which I could obtain from my friends to support the important expedition against Yorktown, much offense was taken that I did not minister relief to the officers taken prisoners at Charleston. I felt their distresses as sincerely as any man could do, but it was impossible to afford relief.

Before I close the letter I must again repeat my solicitude on the score of your bills, which are coming in upon me so fast that the means of paying them must, I fear, be deficient. Take care, therefore, to draw as little and at as long sight as possible.

I am, sir, your most obedient, &c.,

ROBERT MORRIS.

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\* Luzerne to Livingston.

[Translation.]

PHILADELPHIA, *May 19, 1783.*

SIR: I have received the letter with which you honored me on the 4th of this month, and the memorial of Mr. Durham which accompanied it. I can not form any opinion upon such a statement, and I shall be unable to know whether the complaints are just before I learn the motives of the conduct which he professes to have observed on his part. I have the honor of sending you a letter from the Marquis de Bouille in relation to this affair, and I entreat you to have the kindness to send it to that individual, who will take care to send it to the commander.

You have been informed, sir, of the affair of Mr. Gillon, or rather of the many affairs which have been the subject of controversy between him and the subjects of the king. You will find a statement of it in a memorial which I annex, requesting you to be pleased to return it when read; I have addressed it to the State of South Carolina; I request you to be pleased to read the resolutions taken in consequence of it by

the assembly of that State, and the annexed copies of which you may keep. I have also the honor of sending you, sir, some new demands against that officer which I have lately received. I shall make no reflection respecting the resolutions of Carolina, but I entreat you to be pleased to point out the most proper course for obtaining justice and to inform me whether it would seem to you proper that I should lay this matter before Congress.

I have the honor to be, etc.,

LUZERNE.

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Hartley's Commission.\*

MAY 19, 1783.

George R. George the Third, by the Grace of God King of Great Britain, France, and Ireland, Defender of the Faith, Duke of Brunswick and Lunenburg, Arch Treasurer and Prince Elector of the Holy Roman Empire, and so forth, to all to whom these presents shall come, greeting :

Whereas, for the perfecting and establishing the peace, friendship, and good understanding so happily commenced by the Provisional Articles signed at Paris, the thirtieth day of November last, by the commissioners of us, and our good friends, the United States of America, viz., New Hampshire, Massachusetts Bay, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, the three lower counties on Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, in North America, and for opening, promoting, and rendering perpetual, the mutual intercourse of trade and commerce between our kingdoms and the dominions of the said United States, we have thought proper to invest some fit person with full powers on our part to meet and confer with the ministers of the said United States, now residing at Paris, duly authorized for the accomplishing of such laudable and salutary purposes.

Now know ye, that we, reposing special trust and confidence in the wisdom, loyalty, diligence, and circumspection of our trusty and well-beloved David Hartley (on whom we have heretofore conferred the rank of our minister plenipotentiary), have nominated, constituted, and appointed, and by these presents do nominate, constitute, and appoint him, our true, certain, and undoubted commissioner, procurator, and plenipotentiary; giving and granting to him all, and all manner of faculty, power, and authority, together with general, as well as special order (so as the general do not derogate from the special, nor on the contrary), for us, and in our name, to meet, confer, treat, and conclude with the minister or ministers, furnished with sufficient powers, on the part of our said good friends, the United States of America, of and

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\* 5 Sparks' Dip. Rev. Corr., 489.

concerning all such matters and things as may be requisite and necessary for accomplishing and completing the several ends and purposes herein before mentioned, and also for us, and in our name, to sign such treaty or treaties, convention or conventions, or other instruments whatsoever, as may be agreed upon in the premises; and mutually to deliver and receive the same in exchange, and to do and perform all such other acts, matters, and things, as may be any ways proper and conducive to the purposes above mentioned, in as full and ample form and manner, and with the like validity and effect, as we ourself, if we were present, could do and perform the same; engaging and promising, on our royal word, that we will accept, ratify, and confirm in the most effectual manner all such acts, matters, and things, as shall be so transacted and concluded by our aforesaid commissioner, procurator, and plenipotentiary, and that we will never suffer any person to violate the same, in the whole or in part, or to act contrary thereto.

In testimony and confirmation of all which, we have caused our great seal of Great Britain to be affixed to these premises, signed with our royal hand.

Given at our palace at St. James, the fourteenth day of May, in the year of our Lord one thousand seven hundred and eighty-three, and the twenty-third year of our reign.

I, David Hartley, the minister above mentioned, certify the foregoing to be a true copy from my original commission, delivered to the American ministers this 19th day of May, 1783.

D. HARTLEY.

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**Vergennes' Proposed New Articles.\***

[Delivered to Dr. Franklin on the 20th of May, 1783.]

[Translation.]

The intention of his most Christian majesty and the United States of North America, in concluding between them a treaty of amity and commerce, having been that their respective subjects should enjoy all the advantages, privileges, and exemptions which the most favored nations enjoy or may enjoy, and his said majesty and the United States, wishing to prevent any misunderstandings that may arise by a false application of the 2d and 3d articles of the treaty of commerce of February 6th, 1778, have thought it proper to determine in a precise manner the principles which ought to be followed on one part and the other concerning the matter in question. In consequence it is proposed that his majesty and the Congress of the United States agree to the following articles:

ARTICLE I. To interpret, as far as is necessary, the 2d article of the treaty of amity and commerce concluded February 6th, 1778, the United

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\* 5 Sparks' Dip. Rev. Corr., 493.

States declare that all the advantages, privileges, and exemptions which are accorded, or may be accorded hereafter, in regard to navigation and commerce, to any nation, power, or state whatever, shall be common to the French nation, and that these shall be enjoyed conformably to article 3d of the treaty, in such manner that in no case, or under any pretext, shall the said United States exact any compensation from his most Christian majesty.

ARTICLE II. His most Christian majesty promises and engages on his part, to cause the subjects of the United States to enjoy, in conformity with the 3d article above mentioned, all the advantages, privileges, and exemptions which the most favored nations now enjoy, or may enjoy hereafter, and that without exacting any compensation from the said States.

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Proceedings of Congress as to Russian Mission.\*

MAY 21, 1783.

The committee, consisting of Mr. Madison, Mr. Gorham, and Mr. Fitzsimmons, to whom was referred a letter of 21st April, from the Secretary for Foreign Affairs, together with letters of 16th and 19th December, 1782, o. s., from Mr. Dana, having reported thereon and the report being postponed, a motion was made by Mr. Hamilton, seconded by Mr. Madison, in the words following:

That Mr. Dana be informed that the treaties lately entered into for restoring peace have caused such an alteration in the affairs of these States as to have removed the primary object of his mission to the court of Russia, the acquisition of new supports to their independence. That with respect to a commercial treaty with Russia, they consider the benefits of it to this country in any extensive degree as rather remote, and have therefore little present inducement to enter into it besides a desire of cultivating the friendship of that court and preserving a consistency with the disposition already manifested towards forming a connection therewith, and also of laying a foundation of a future intercourse, when the circumstances of the two countries may be more favorable to the same. That as experience will enable both nations to form a better judgment hereafter of the principles upon which that intercourse may be most advantageously conducted, Congress would wish any treaty now formed to be of temporary duration, and limited to a fixed period. That in this view, unless Mr. Dana shall have already formed engagements or made proposals, from which he can not easily recede, of a more indefinite and extensive nature, before this reaches him, he be instructed to confine the duration of the proposed treaty of commerce to fifteen years, agreeable to the term limited for a similar treaty with the court of Sweden; and to stipulate expressly that the

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\* MSS. Secret Journal, Dep. State.

same shall be subject to the revisal of Congress previous to its final conclusion, and that in all matters he insist upon exact reciprocity.

That so soon as this object shall be accomplished, or if he discovers any repugnancy on the part of the court of Russia to entering into a treaty with these States on liberal principles, he be permitted to return.

That with respect to the money mentioned in his letter of 25th August, November 10th, and 19th December, 1782, and 20th January, 1783, to be employed in presents to the ministers of that court, he be informed, as that by the confederation no persons holding offices under the United States are permitted to receive presents from foreign powers, so it is not consistent with the situation or policy of these States to adopt that practice in their transactions with other nations.

This being under debate, it was moved and agreed to amend by inserting the following clause after the words "new supports to their independence: "

That though Congress approve the principles of the armed neutrality, founded on the liberal basis of a maintenance of the rights of neutral nations and of the privileges of commerce, yet they are unwilling, at this juncture, to become a party to a confederacy which may hereafter too far complicate the interests of the United States with the politics of Europe, and therefore, if such a progress is not yet made in this business as may make it dishonorable to recede, it is their desire that no further measures may be taken at present towards the admission of the United States into that confederacy.

A motion was made by Mr. Rutledge, seconded by Mr. Holten, to strike out the last clause respecting money, and on the question, Shall that clause stand? the yeas and nays being required by Mr. Mercer—

Massachusetts.....	{ Mr. Holten .....No. }	{ No. }
	{ Mr. Gorham .....No. }	
	{ Mr. Higginson .....No. }	
Rhode Island.....	{ Mr. Collins .....No. }	{ No. }
	{ Mr. Arnold .....No. }	
Connecticut.....	{ Mr. Ellsworth .....No. }	{ 0. }
	{ Mr. Dyer.....Aye. }	
New York.....	Mr. Hamilton.....No.	No.
New Jersey.....	{ Mr. Boudinot .....Aye. }	{ Aye. }
	{ Mr. Clarke .....Aye. }	
Pennsylvania.....	{ Mr. Fitzsimmons.....No. }	{ No. }
	{ Mr. Montgomery.....Aye. }	
	{ Mr. Peters.....No. }	
Maryland.....	{ Mr. Carroll.....Aye. }	{ Aye. }
	{ Mr. Hemsley.....Aye. }	
Virginia.....	{ Mr. Madison.....Aye. }	{ Aye. }
	{ Mr. Bland.....Aye. }	
	{ Mr. Mercer.....Aye. }	
North Carolina.....	{ Mr. Hawkins.....Aye. }	{ Aye. }
	{ Mr. Williamson.....Aye. }	
South Carolina.....	{ Mr. Rutledge.....No. }	{ No. }
	{ Mr. Izard.....No. }	

So the question was lost, and the clause was struck out.

A motion was then made by Mr. Williamson, seconded by Mr. Madi-

son, in lieu of what was struck out to insert as follows: That with respect to the money mentioned, &c. (in the words of the original motion to the end, with this addition), and that he be instructed to decline paying the same unless the steps already taken by him towards forming a treaty or treaties shall, in his judgment, imply an engagement to make such payment.

And on the question to agree to this, the yeas and nays being required by Mr. Williamson—

Massachusetts.....	{ Mr. Holten .....No. }	{ No. }
	{ Mr. Gorham .....No. }	
	{ Mr. Higginson .....No. }	
Rhode Island.....	{ Mr. Collins .....Aye. }	{ Aye. }
	{ Mr. Arnold .....Aye. }	
Connecticut.....	{ Mr. Ellsworth .....Aye. }	{ Aye. }
	{ Mr. Dyer .....Aye. }	
New York.....	Mr. Hamilton.....Aye.	Aye.
New Jersey.....	{ Mr. Boudinot .....Aye. }	{ Aye. }
	{ Mr. Clarke .....Aye. }	
Pennsylvania .....	{ Mr. Fitzsimmons.....Aye. }	{ Aye. }
	{ Mr. Montgomery.....Aye. }	
	{ Mr. Peters.....Aye. }	
Maryland .....	{ Mr. Carroll .....Aye. }	{ Aye. }
	{ Mr. Hemsley .....Aye. }	
Virginia.....	{ Mr. Madison .....Aye. }	{ Aye. }
	{ Mr. Mercer .....Aye. }	
North Carolina .....	{ Mr. Hawkins .....Aye. }	{ Aye. }
	{ Mr. Williamson.....Aye. }	
South Carolina.....	{ Mr. Rutledge.....No. }	{ No. }
	{ Mr. Izard .....No. }	

So it was resolved in the affirmative.

On the question to agree to the original motion as amended, the yeas and nays being required by Mr. Hawkins—

Massachusetts.....	{ Mr. Holten .....No. }	{ No. }
	{ Mr. Gorham .....No. }	
	{ Mr. Higginson .....No. }	
Rhode Island.....	{ Mr. Collins.....Aye. }	{ 0. }
	{ Mr. Arnold .....No. }	
Connecticut .....	{ Mr. Ellsworth.....Aye. }	{ Aye. }
	{ Mr. Dyer .....Aye. }	
New York.....	Mr. Hamilton .....Aye.	Aye.
New Jersey.....	{ Mr. Boudinot.....Aye. }	{ Aye. }
	{ Mr. Clarke .....Aye. }	
Pennsylvania .....	{ Mr. Fitzsimmons.....Aye. }	{ Aye. }
	{ Mr. Wilson.....Aye. }	
	{ Mr. Peters.....Aye. }	
Maryland .....	{ Mr. Carroll.....Aye. }	{ Aye. }
	{ Mr. Hemsley .....Aye. }	
Virginia .....	{ Mr. Madison.....Aye. }	{ Aye. }
	{ Mr. Mercer .....Aye. }	
North Carolina .....	{ Mr. Hawkins .....Aye. }	{ Aye. }
	{ Mr. Williamson.....Aye. }	
South Carolina .....	{ Mr. Rutledge.....No. }	{ No. }
	{ Mr. Izard .....No. }	

So the question was lost.

MAY 22, 1783.

Congress resumed the consideration of the subject under debate yesterday, and the report of the committee being again postponed,

A motion was made by Mr. Madison, seconded by Mr. Carroll, that Mr. Dana be informed that the treaties lately entered into for restoring peace have caused such an alteration in the affairs of these States as to have removed the primary object of his mission to the court of Russia—the acquisition of new supports to their independence; that he be instructed, in case he shall have made no propositions to the court of Russia on the subject of a treaty of commerce, to decline making such until he shall receive further instructions from Congress; that, in case he shall have made such propositions, he be informed that it is the desire of Congress that, as far as it will consist with the honor of the United States, he insist on a limitation of the treaty to the period of fifteen years, and that the same be subject to the revisal and approbation of Congress before they shall be obliged to accept or ratify it. That a committee be appointed to prepare and report the plan of a treaty proper to be transmitted to Mr. Dana.

A motion was made by Mr. Ellsworth, seconded by Mr. Gorham, to postpone the consideration of the foregoing motion in order to consider the following :

That Mr. Dana be instructed, in case he has not already proceeded too far in the commercial treaty between the United States and the court of Russia, to stipulate that the treaty be limited to the term of fifteen years; and that the same be subject to the revisal and approbation of Congress before they shall be under obligations to accept or ratify it.

And on the question of postponing for the purpose above mentioned, the yeas and nays being required by Mr. Holten—

Massachusetts.....	{ Mr. Holten .....Aye. }	{ Aye. }
	{ Mr. Gorham .....Aye. }	
	{ Mr. Higginson .....Aye. }	
Rhode Island.....	{ Mr. Collins .....Aye. }	{ Aye. }
	{ Mr. Arnold .....Aye. }	
Connecticut.....	{ Mr. Ellsworth.....Aye. }	{ Aye. }
	{ Mr. Dyer.....Aye. }	
New York.....	Mr. Hamilton .....Aye.	Aye.
New Jersey.....	{ Mr. Boudinot .....No. }	{ No. }
	{ Mr. Clarke .....No. }	
Pennsylvania.....	{ Mr. Mifflin .....No. }	{ No. }
	{ Mr. Fitzsimmons .....No. }	
	{ Mr. Montgomery .....No. }	
	{ Mr. Peters .....No. }	
Maryland.....	{ Mr. Carroll.....Aye. }	{ 0. }
	{ Mr. Hemsley .....No. }	
Virginia.....	{ Mr. Madison .....No. }	{ No. }
	{ Mr. Mercer .....No. }	
North Carolina.....	{ Mr. Hawkins.....No. }	{ No. }
	{ Mr. Williamson .....No. }	
South Carolina.....	{ Mr. Rutledge.....Aye. }	{ No. }
	{ Mr. Izard .....No. }	
	{ Mr. Gervais .....No. }	

So it passed in the negative.



On the question to agree to the motion of Mr. Madison, the yeas and nays being required by Mr. Carroll,

Massachusetts .....	{ Mr. Holten.....No. }	{ No. }
	{ Mr. Gorham.....No. }	
	{ Mr. Higginson.....No. }	
Rhode Island.....	{ Mr. Collins.....Aye. }	{ 0. }
	{ Mr. Arnold.....No. }	
Connecticut .....	{ Mr. Ellsworth.....No. }	{ No. }
	{ Mr. Dyer.....No. }	
New York.....	Mr. Hamilton.....No.	No.
New Jersey.....	{ Mr. Boudinot.....Aye. }	{ Aye. }
	{ Mr. Clarke.....Aye. }	
Pennsylvania.....	{ Mr. Mifflin.....Aye. }	{ Aye. }
	{ Mr. Fitzsimmons.....Aye. }	
	{ Mr. Montgomery.....Aye. }	
	{ Mr. Peters.....Aye. }	
Maryland .....	{ Mr. Carroll.....Aye. }	{ Aye. }
	{ Mr. Hemsley.....Aye. }	
Virginia .....	{ Mr. Madison.....Aye. }	{ Aye. }
	{ Mr. Mercer.....Aye. }	
North Carolina .....	{ Mr. Hawkins.....Aye. }	{ Aye. }
	{ Mr. Williamson.....Aye. }	
South Carolina .....	{ Mr. Rutledge.....No. }	{ No. }
	{ Mr. Izard.....No. }	
	{ Mr. Gervais.....No. }	

So the question was lost.

The motion proposed by Mr. Ellsworth was then made, and on the question to agree thereto, the yeas and nays being required by Mr. Gorham,

Massachusetts .....	{ Mr. Holten.....Aye. }	{ Aye. }
	{ Mr. Gorham.....Aye. }	
	{ Mr. Higginson.....Aye. }	
Rhode Island.....	{ Mr. Collins.....Aye. }	{ Aye. }
	{ Mr. Arnold.....Aye. }	
Connecticut .....	{ Mr. Ellsworth.....Aye. }	{ Aye. }
	{ Mr. Dyer.....Aye. }	
New Jersey.....	{ Mr. Boudinot.....Aye. }	{ Aye. }
	{ Mr. Clarke.....Aye. }	
Pennsylvania.....	{ Mr. Mifflin.....Aye. }	{ Aye. }
	{ Mr. Fitzsimmons.....Aye. }	
	{ Mr. Montgomery.....Aye. }	
	{ Mr. Peters.....Aye. }	
Maryland .....	{ Mr. Carroll.....Aye. }	{ Aye. }
	{ Mr. Hemsley.....Aye. }	
Virginia.....	{ Mr. Madison.....Aye. }	{ Aye. }
	{ Mr. Mercer.....Aye. }	
North Carolina .....	{ Mr. Hawkins.....Aye. }	{ Aye. }
	{ Mr. Williamson.....Aye. }	
South Carolina .....	{ Mr. Rutledge.....Aye. }	{ Aye. }
	{ Mr. Izard.....Aye. }	
	{ Mr. Gervais.....No. }	

So it was

*Resolved*, That Mr. Dana be instructed, in case he has not already proceeded too far in the commercial treaty between the United States of America and the court of Russia, to stipulate that the treaty be limited to the term of fifteen years; and that the same be subject to the revisal and approbation of Congress before they shall be under obligations to accept or ratify it.

On motion of Mr. Higginson,

*Ordered*, That a committee be appointed to prepare and report a plan of a commercial treaty proper to be transmitted to Mr. Dana.

The members chosen, Mr. Fitzimmons, Mr. Higginson, and Mr. Rutledge.

**Mr. Hartley's Proposed Article of Agreement, delivered by him to the American Commissioners for their consideration, May 21, 1783.\***

Whereas it is highly necessary that an intercourse of trade and commerce should be opened between the people and territories belonging to the crown of Great Britain and the people and territories of the United States of America; And whereas it is highly expedient that the intercourse between Great Britain and the said United States should be established on the most enlarged principles of reciprocal benefit to both countries, but from the distance between Great Britain and America it must be a considerable time before any convention or treaty for establishing and regulating the trade and intercourse between Great Britain and the said United States of America, upon a permanent foundation can be concluded:

Now, for the purpose of making a temporary regulation of the commerce and intercourse between Great Britain and the United States of America, it is agreed, that all the citizens of the United States of America shall be permitted to import into, and export from, any part of his Britannic majesty's dominions, in American ships, any goods, wares, and merchandize which have been so imported or exported by the inhabitants of the British American colonies before the commencement of the war upon payment of the same duties and charges as the like sort of goods or merchandize are now or may be subject and liable to if imported by British subjects in British ships from any British island or plantation in America; and that all the subjects of his Britannic majesty shall be permitted to import and export from any part of the territories of the United States of America, in British ships, any goods, wares, and merchandize which might have been so imported or exported, by the subjects of his Britannic majesty before the commencement of the war, upon payment of the same duties and charges as the like sort of goods, wares, and merchandize are now or may be subject and liable to if imported in American ships by any of the citizens of the United States of America.

This agreement to continue in force until——— :  
Provided always, that nothing contained in this agreement shall at any time hereafter be argued on either side in support of any future demand or claim.

\* MSS. Dep. of State; 1 Sparks' Dip. Rev. Corr., 743. See *supra* for American proposals, under date of April 29, 1783: and for other papers, *infra*, under date of June 1, 1783; and see Laurens to Livingston, June 17, 1783.

## OBSERVATIONS AND PROPOSITIONS OF MR. HARTLEY, LEFT WITH THE AMERICAN MINISTERS MAY 21, 1783.

A proposition having been offered by the American ministers for the consideration of his Britannic majesty's ministers and of the British nation for an entire and reciprocal freedom of intercourse and commerce between Great Britain and the American United States in the following words, viz :

That all rivers, harbors, lakes, ports, and places belonging to the United States, or any of them, shall be open and free to the merchants and other subjects of the crown of Great Britain and their trading vessels, who shall be received, treated, and protected like the merchants and trading vessels of the State in which they may be, and may be liable to no other charges or duties.

And, reciprocally, that all rivers, harbors, lakes, ports, and places under the dominion of his Britannic majesty shall be open and free to the merchants and trading vessels of the said United States, and of each and every of them, who shall be received, treated, and protected like the merchants and trading vessels of Great Britain, and to be liable to no other charges and duties; saving always to the chartered trading companies of Great Britain such exclusive use and trade of their respective ports and establishments as neither the other subjects of Great Britain or any of the most favored nations<sup>4</sup> participate in.

It is to be observed that this proposition implies a more ample participation of British commerce than the American States possessed even under their former connexion of dependence upon Great Britain, so as to amount to an entire abolition of the British act of navigation in respect to the thirteen United States of America, and although proceeding on their part from the most conciliatory and liberal principles of amity and reciprocity, nevertheless it comes from them as newly established States, and who, in consequence of their former condition of dependence, have never yet had any established system of national commercial laws, or of commercial connexions by treaties with other nations, free and unembarrassed of many weighty considerations, which require the most scrupulous attention and investigation on the part of Great Britain, whose ancient system of national and commercial policy is thus suddenly called upon to take a new principle for its foundation, and whose commercial engagements with other ancient States may be most materially affected thereby. For the purpose, therefore, of giving sufficient time for the consideration and discussion of so important a proposition, respecting the present established system of the commercial laws and policy of Great Britain and their subsisting commercial engagements with foreign powers, it is proposed that a temporary intercourse of commerce shall be established between Great Britain and the American States previously to the conclusion of any final and perpetual compact. In this intervening period, as the strict line and measure of reciprocity, from various circumstances, can not be absolutely and completely adhered to, it may be agreed that the commerce between the two countries shall revive, as nearly as can be, upon the same footing and terms as formerly subsisted between them; provided

always, that no concession on either side, in the proposed temporary convention, shall be argued hereafter in support of any future demand or claim. In the mean time, the proposition above stated may be transmitted to London, requesting (with his majesty's consent) that it may be laid before Parliament for their consideration.

It is proposed, therefore, that the unmanufactured produce of the United States should be admitted into Great Britain without any other duties (those imposed during the war excepted) than those to which they were formerly liable. And it is expected, in return, that the produce and manufactures of Great Britain should be admitted into the United States in like manner. If there should appear any want of reciprocity in this proposal, upon the grounds of asking admission for British manufactures into America, while no such indulgence is given to American manufactures in Great Britain, the answer is obvious, that the admission of British manufactures into America is an object of great importance and equally productive of advantage to both countries; while, on the other hand, the introduction of American manufactures into Great Britain can be of no service to either, and may be productive of innumerable frauds, by enabling persons so disposed to pass foreign European goods, either prohibited or liable to great duties by the British laws, for American manufactures.

With regard to the West Indies, there is no objection to the most free intercourse between them and the United States. The only restriction proposed to be laid upon that intercourse is prohibiting American ships carrying to those colonies any other merchandize than the produce of their own country. The same observation may be made upon this restriction as upon the former. It is not meant to affect the interests of the United States, but it is highly necessary, lest foreign ships should make use of the American flag to carry on a trade with the British West India Islands.

It is also proposed, upon the same principle, to restrain the ships that may trade to Great Britain from America from bringing foreign merchandize into Great Britain. The necessity of this restriction is likewise evident, unless Great Britain meant to give up the whole navigation act. There is no necessity for any similar restrictions on the part of the American States, those States not having as yet any acts of navigation.

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Livingston to the President of Congress.\*

PHILADELPHIA, May 21, 1783.

Not having yet been informed that Congress have appointed any person to succeed me, or a committee to take direction of the office of Foreign Affairs, I shall presume that it is their intention that the

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\* MSS. Dep. of State.

papers should be left in the hands of the first under secretary, unless I am honored with their further commands.

I have not offered to let the house I live in for the remainder of my term, paid monthly, upon a presumption that it might be found necessary to Congress or my successor in office. I wish to have the sense of Congress upon this subject. Some furniture was hired with the house which may be a convenience to my successor.

I have the honor to be sir, with much respect, your excellency's most obedient humble servant,

R. R. LIVINGSTON.

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J. Adams to Morris.\*

PARIS, *May 21, 1783.*

SIR: I am just now honored with yours of the 19th of January, by the way of London. We have not yet had the happiness to receive, as we should be disposed to do with open arms, our excellent old friend Jefferson, and begin to fear that the news of peace has determined him not to come.

I thank you, sir, for your polite congratulations; when the tide turned it flowed with rapidity, and carried the vessel, as I hope, into a safe harbor.

As to the loan in Holland, I have never troubled you nor anyone else in America with details of the vexations of various kinds which I met with in the negotiation of it; indeed, I never thought it prudent or safe to do it. If I had told the whole truth it could have done no good, and it might have done infinite mischief. In general, it is now sufficient to say that private interest, party spirit, factions, cabals, and slanderers have obstructed, perplexed, and tortured our loan in Holland, as well as all our other affairs, foreign and domestic. But as there has been a greater variety of clashing interests, English, French, stadtholderian, republican, and American, mixing in the affair of our loan in Holland, it has been more puzzled than anything else. If, in the bitterness of my soul, I had described the fermentation, and mentioned names, and drawn characters, I might have transmitted a curious tale, but it would have only served to inflame old animosities and excite new ones.

A great many things are said to me on purpose that they may be represented to you or to Congress. Some of these I believe to be false, most of them I suspect, and some of them that are true would do no good. I think it necessary, therefore, to employ a little discretion in such cases.

Messrs. Willinks & Co. will write you from time to time, as they tell me they have done, the state of the loan. Mr. Grand wants all the money, but they wait your orders. The loan has been and will be

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\* MSS. Dep. of State; 4 Sparks' Dip. Rev. Corr., 22; 8 J. Adams' Works, 59.

damped by transmitting the money to France, but your necessities were so urgent that you could not avoid it.

In my opinion, if you had a minister at St. James', and he were authorized to borrow money generally, in England or elsewhere, it would serve you greatly, by causing an emulation, even in Holland, besides the money you would procure in London, which would not be a trifling sum.

I wish I were in Congress that I might assist you in persuading our countrymen to pay taxes and build ships.

With great esteem and respect, I have the honor to be, &c.,

JOHN ADAMS.

*J. Adams, Franklin, and Jay to Grand.\**

PARIS, *May 22, 1783.*

SIR: We have received the letter you did us the honor to write us on the 10th day of this month, containing a brief state of the affairs of the United States in your hands.

We see the difficulties you are in and are sorry to say that it is not in our power to afford you any relief.

We have the honor to be, sir, &c.,

JOHN ADAMS,  
B. FRANKLIN,  
JOHN JAY.

*J. Adams to Livingston.†*

PARIS, *May 24, 1783.*

SIR: I have the honor to enclose copies, to be laid before Congress, of several papers. 1st. Mr. Hartley's full powers, of May 14th. 2dly. The order of the King of Great Britain in council, for regulating the American trade, of May 14th. 3dly. Articles proposed by the American ministers to Mr. Hartley, April 29th. 4thly. Mr. Hartley's observations left with us May 21st. And 5thly. Mr. Hartley's proposition of the same day.

This proposition, No. 5, however, upon inquiry, we find Mr. Hartley does not incline to subscribe to before he sends it to his court for their orders. So that we have not yet given him our opinion of it. He has sent a courier to London, before whose return we hope to have further intelligence from Philadelphia.

The present British ministry discover an indecision and timidity which indicate instability. Some persons from England imagine that

\*5 Sparks' Dip. Rev. Corr., 493.

† MSS. Dep. of State; 4 Sparks' Dip. Rev. Corr., 23; 8 J. Adams' Works, 60.

my Lord Shelburne will come in again. The change would produce a longer delay, but, I think, would be no disadvantage to America. If he had continued in power, I think we should have finished, or been ready to finish, before now with Mr. Oswald. Mr. Hartley's dispositions, however, are very good, and, if left to his own judgment, would be liberal and fair.

The idea of reviving the trade upon the plan of the laws of Great Britain before the war, although those laws were calculated so much for the advantage of that country and so little for the advantage of ours, might be admissible for a few months, until ministers could be appointed on both sides to frame a treaty of commerce; provided no advantage should be ceded by it in the negotiations of such treaty, and provided that such a temporary convention for trade should neither delay nor influence the definitive treaty. It is much to be wished that the definitive treaty of peace and a permanent treaty of commerce could be signed at the same time. This, however, seems now to be impossible, and therefore some temporary regulation of commerce seems unavoidable. But we are as yet too uncertain of the sentiments of the court of St. James to be able to foresee whether we shall be able to agree with them. Mr. Hartley has been here four weeks, and nothing has been done, although he was very sanguine before he left London that he should send home a convention in less than half of four days.

Congress will see, by Mr. Hartley's commission, that they are become the "good friends" of the King of Great Britain. Mr. Hartley, on his first arrival here, communicated to us in form an invitation from the ministers, with the knowledge and consent of the King, to all the American ministers to go to London, with the assurance that we should be there presented at court and treated in all respects like the ministers of any other sovereign state. He also communicated the desire of his court that the two powers should interchange ministers as soon as possible. I hope that the first ship will bring a minister for that court, or a commission to some one to go there, because I think it would have been useful to us to have had one there three months ago, and that it would not be less useful now. The permanent treaty of commerce, nevertheless, should not be hastily concluded, nor before Congress shall have had an opportunity to judge of the project, suggest their amendments, and transmit their orders.

No preliminaries are yet signed with the Dutch, and I am very anxious for their lot.

With great respect, I have the honor to be, &c.,

JOHN ADAMS.

Dumas to Livingston.\*

THE HAGUE, *May 25, 1783.*

SIR: The States of Holland will assemble next Wednesday, and meanwhile I have nothing interesting to add to what the annexed papers contain, except that the last letters from Paris, of the 16th and 19th, inform me that nothing has yet been done to forward the conclusion of the general definitive treaty.

I learn from good authority that Mr. Harris, British minister at the court of St. Petersburg, is intended for that post here, after everything is settled. I shall communicate this intelligence to our friends at Dort and Amsterdam this evening. They will be pleased with it, for they feared the return of Sir Joseph Yorke and his old arts, which, under present circumstances, would be injurious here without being of any real benefit to England.

I take the liberty to recommend to the attention and kindness of the United States and their citizens Captain Riemersma, commander of the *Overyssel*, ship of the-line, who will sail from the Texel after the 19th June, carrying M. Van Berckel to Philadelphia. He is a brave officer, an excellent patriot, a constant friend of liberty and of America, and he received the squadron of Commodore Paul Jones in the Texel, in 1779, in a very friendly manner, for which he was punished by the Anglo-manes, whose intrigues effected his removal from the command of the road, and who have ever since prevented him from being employed and advanced. In this they have injured only their country; for he is wealthy, and it is not interest, but honor and taste for the profession, which induce him to serve.

I am, &amp;c.,

DUMAS.

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 Livingston to Nourse.†
PHILADELPHIA, *May 26, 1783.*

SIR: In compliance with your request, I have collected from the papers in my office the following account of the moneys received by loans or otherwise from Holland, France, and Spain.

The first loan that was opened in Holland on our account with success was opened by his most Christian majesty and under his special guarantee for ten millions of livres. Since that another loan was contracted by Mr. Adams, with Messieurs Wilhelm and Jan Willink, Nicholas and Jacob Van Staphorst, and De la Lande and Fynje, to the amount of five millions of florins.

These gentlemen, in a letter directed to me of the 16th of August last, write that they had at that time in cash by them one million four

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\* 5 Sparks' Dip. Rev. Corr., 383.

† MSS. Dep. of State; 6 Sparks' Dip. Rev. Corr., 245.



hundred and eighty-four thousand florins, of which the interest ran as follows :

1,314,000 florins, from the 1st of June ;

170,000 florins, from the 1st of July.

They add that they had already paid to the order of Mr. Adams, in favor of sundry individuals, the sum of two thousand nine hundred and two florins, and that that minister had hinted to them that it would be necessary to pay some drafts of Mr. Laurens' when arrived, and a few other unavoidable expenses, which would amount to about two hundred thousand florins. By a letter of the 18th of November last they have acknowledged the receipt of the contract duly ratified, so that the money they had on hand has been since that time at the disposal of Congress.

The moneys received from France before the year 1780 can not be very accurately stated, for the want of order in the books kept by the committee of foreign affairs. By the best estimate I have been able to make, the amount of such moneys appears to be about nine millions of livres, exclusive of one million received from the Farmers-General on a particular contract. To this must be added the grants obtained by Colonel Lanrens, which, *including* military stores, amount to fourteen millions of livres. So that the whole of the money received from France amounts to about four and twenty millions Tournois. I should observe that I have not here made any distinction between loans and gifts, though about eight millions of the above sum have been granted by France without any expectation of being repaid.

From Spain we have only received one hundred and fifty thousand dollars, which were granted to Mr. Jay in the beginning of the year 1780.

I have not mentioned the engagement which France has lately entered into to supply the United States with six millions of livres, as you may find every thing that relates to it in the appendix to the address of Congress to the States.

I have the honor to be, &c.,

ROBERT R. LIVINGSTON.

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Morris to Franklin.\*

OFFICE OF FINANCE, May 26, 1783.

SIR: By the enclosed acts of the 28th of April and 2d of May, with the copy of my letter to Congress of the 3d of May, you will perceive that I am to continue somewhat longer in the superintendence of our finances. Be assured, sir, that nothing but a clear view of our distresses could have induced my consent. I must at the same time

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\*MSS. Dep. of State ; 6 Sparks' Dip. Rev. Corr., 617.

acknowledge that the distresses we experience arise from our own misconduct. If the resources of this country were drawn forth, they would be amply sufficient; but this is not the case. Congress have no authority equal to the object, and their influence is greatly lessened by their evident incapacity to do justice.

This is but a melancholy introduction to the request contained in the act of the 2d instant. But I shall not be guilty of falsehood, nor will I intentionally deceive you or put you in the necessity of deceiving others. My official situation compels me to do things which I would certainly avoid under any other circumstances. Nothing should induce me in my private character to make such applications for money as I am obliged to in my public character. I know and feel that you must be in a disagreeable situation on this subject. I can anticipate the answers to all your requests; and I know you may be asked for payment when you ask for loans. Yet, sir, I must desire you to repeat your applications. My only hope arises from the belief that as the King's expenses are much lessened, he may be able to comply with his gracious intentions towards America.

And the only inducement I can offer is the assurance that the taxes already called for shall be appropriated as fast as other indispensable services will admit, to the replacing of what the court may advance.

Our situation is shortly this: The army expect a payment which will amount to about seven hundred thousand dollars. I am already above half a million dollars in advance of our resources by paper anticipation. I must increase this anticipation immediately to pay moneys due on contracts for feeding our army; and I must make them the expected payment by notes to be discharged at a distant day. Now, sir, if these notes are not satisfied when they become due, the little credit which remains to this country must fall, and the little authority dependent on it must fall too. Under such circumstances it is that you are to ask aid for the United States. If it can be obtained, I shall consider the obligation as being in some degree personal to myself, and I shall certainly exert myself for the repayment. You will be so kind, sir, as to ship on board the *Washington* eighteen hundred thousand livres; but if the loan be not obtained, I must entreat you will give me the earliest possible information of the refusal.

I shall communicate this letter to the minister of his most Christian majesty, and request him to write to the Count de Vergennes on the subject of it.

Believe me, I pray, with sincere and respectful esteem, &c.,

ROBERT MORRIS.

MAY 27, 1783.

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Morris to Franklin.\*

OFFICE OF FINANCE, May 26, 1783.

SIR: I have now before me your letters of the 14th and 23d of December, which are the last I have received. Enclosed you have a letter from me to the minister of France, with his answer of the 14th of March on the subject of the delay which happened in transmitting his despatches. You will see by these that Lieutenant Barney was not to blame.

Your bills in favor of M. de Lauzun have not yet appeared, or they should have been duly honored. That gentleman has since left the country, and therefore it is possible that the bills may not come.

The reflections you make, as well on the nature of public credit as on the inattention of the several States, are just and unanswerable; but in what country of the world shall we find a nation willing to tax themselves? The language of panegyric has held forth the English as such a nation; but certainly if our legislatures were subject to like influence with theirs, we might preserve the form, but we should already have lost the substance of freedom. Time, reason, argument, and, above all, that kind of conviction which arises from feeling, are necessary to the establishment of our revenues and the consolidation of our Union. Both of these appear to me essential to our public happiness; but our ideas, as you well know, are frequently the result rather of habit than reflection, so that numbers who might think justly upon these subjects have been early estranged from the modes and means of considering them properly.

I am in the hourly wish and expectation of hearing from you, and sincerely hope it may be soon.

Believe me, I pray, with esteem and respect, yours, &c.,  
ROBERT MORRIS.

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Livingston to Dana.†

PHILADELPHIA, May 27, 1783.

SIR: Since my last, a copy of which will be transmitted with this, Congress were pleased to pass the enclosed resolution, limiting the term to which they conceive the duration of the treaty of commerce to be proposed to Russia should be confined, and directing that it should be in no way obligatory upon them till they had revised and approved it.‡ This latter part of the resolution will, I dare say, make no difficulty, since it only conforms to the powers you already have, and which if you have made any propositions must, I dare say, have been made under this restriction. You will find, however, that Congress do not wish to com-

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\* 6 Sparks' Dip. Rev. Corr., 616.

† MSS. Dep. of State; 4 Sparks' Dip. Rev. Corr., 699, with verbal changes.

‡ See this resolution, *supra*, under date of May 22, 1783.

plex or embarrass you, if your propositions are not exactly conformable to their intentions, but have left it to your discretion to proceed if you are too far engaged to recede with honor ; but are still anxious not to engage extensively in commercial treaties till experience has shown the advantages or disadvantages that may result from them.

I wish you had enlarged upon this subject so as to have shown minutely the conveniences that will arise from trading with the dominions of her Imperial majesty, under a treaty rather than without. You hint at one of them, when you speak of the different coin in which the duties are to be paid, but not having explained the value of the money of the country, or the amount of duties, we know not what advantage we are to gain from being permitted to pay them in it.

By a late resolution, Congress have been pleased to direct that the postage of letters and the payment of couriers be allowed as contingent expenses.

Give me leave, sir, to again remind you, that your letters have hitherto been silent on the subject of government, police, laws, arts, manufactures, finances, civil and military establishments, &c. It is true, a general knowledge of these may be acquired from several publications ; but minute and accurate details are necessary to answer political purposes ; and as you have much leisure, an ample support, and the means of acquiring this information, with the ability to employ those means to the best advantage, I must again request you to impose this task upon yourself, and to consider it as a standing instruction to write at least once a week on these subjects.

I have nothing to add as to general intelligence since my last, but that Congress have ordered that furloughs be granted to about two-thirds of the army ; and that we have some reason to complain of the infraction of the seventh article of the provisional treaty. Sir Guy Carleton, having sent off numbers of slaves under pretence of having come in under proclamation, which gave them their freedom, they could not be within the letter or spirit of the article.

I have the honor to be, &c.,

ROBERT R. LIVINGSTON.

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Morris to Luzerne."

OFFICE OF FINANCE, May 27, 1783.

SIR: I do myself the honor to enclose for your excellency's perusal the copy of a letter to Dr. Franklin, which will go by the *Washington* packet on Sunday next. I am to request that your excellency will write on the subject of it to the Count de Vergennes. You will observe, sir, that I have made no mention of the reasons which might induce France to grant the aid requested. Every argument which can apply to the interests of your court will come more properly, as well as more forcibly, from your pen than from mine. I shall only ask that

you will give your own sentiments and views of our circumstances and situation. These will, I doubt not, be the most powerful reasons in support of the present application.

I am, sir, with perfect respect, &c.,

ROBERT MORRIS.

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Livingston to the Peace Commissioners.\*

PHILADELPHIA, *May* 28, 1783.

GENTLEMEN: By the direction of Congress contained in the enclosed resolutions, I have the honor to transmit you the correspondence between General Washington and Sir Guy Carleton, together with minutes of their conference, when in pursuance of the invitation of the first, they met in Orange County. Nothing can be a more direct violation of the seventh article of the provisional treaty than sending off the slaves under pretence that their proclamations had set them free, as if a British general had, either by their laws or those of nations, a right by proclamation to deprive any man whatever of his property. They may with much more propriety pretend to re-establish every one of their adherents in all the rights they had before the war, since they engaged so to do, and the people with whom they made these engagements were capable of entering into them, which slaves were not. Or even if they were, the promise made to them must be under the same limitations with those made to their other adherents in this country, and amounts to nothing more than this: "Make yourselves free, and we will protect you in that freedom as long as we can." The articles imply that they were no longer able to protect them. You will be pleased to remonstrate on this subject, and inform Congress of the effects of your representation.

We have been much embarrassed by your silence, not having had a line from you since the provisional articles took effect, nor being at all acquainted with the progress of the definitive treaty; though the earliest information on this subject becomes very important. Congress, after some hesitation, have ventured to hope that it will meet with no obstructions, and have accordingly discharged, by the enclosed resolution, a considerable part of their army, upon those principles of economy which extreme necessity dictated. As scarce a week passes without several arrivals from France, Congress complain with some reason of your silence. For my own part, I could wish that you would severally impose upon yourselves the task of writing weekly, and sending your letters to Mr. Barclay. As you are possessed of ciphers, there can be no hazard in this, where the subject of your correspondence requires secrecy.

I have the honor to be, &c.,

ROBERT R. LIVINGSTON.

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\* MSS. Dep. of State; 5 Sparks' Dip. Rev. Corr., 494.

Morris to Washington.\*

OFFICE OF FINANCE, *May 29, 1783.*

DEAR SIR : I am now to acknowledge the receipt of your excellency's letter of the 8th instant. I have not answered it sooner, because until now it has not been in my power to answer it satisfactorily.

By some designing men my resignation of office (grounded on a clear conviction that unless something was done to support public credit very pernicious consequences would follow) was misconstrued. It was represented as a factious desire to raise civil commotions. It was said that the army were to be employed as the instruments to promote flagitious interested views. These found admittance to minds which should forever have been shut against them. We now rest on the event, to determine whether a sincere regard to public justice and public interest or a sinister respect to my own private emolument were the influential motives of my conduct. I am a very mistaken man if time and experience shall not demonstrate that the interests of the army and of the public are not given up. But I mention these things only to you in confidence, for it shall not again be supposed that I am the leader of sedition.

Having done what was in my power to establish those plans which appeared necessary for doing justice to all, and affording relief to our army in particular, I have acquitted what was the first and greatest duty. When it appeared that other modes were to be pursued, I would gladly have departed in peace, but it has been thought that my further agency was necessary to procure for the army that species of relief which they seemed to desire. The factious designing man, who was to have lighted up the flames of mutiny and sedition, has undertaken a most arduous and perilous business to save this country from those convulsions which her negligence had hazarded. This became a duty when the first duty to justice was performed, and this shall be performed also. It is now above a month since the committee conferred with me on that subject, and I then told them that no payment could be made to the army but by means of a paper anticipation, and unless our expenditures were immediately and considerably reduced, even that could not be done. Our expenditures have, nevertheless, been continued, and our revenue lessens, the States growing more and more remiss in their collections. The consequence is that I can not make payment in the manner first intended. The notes issued for this purpose would have been payable at two, four, and six months from the date, but at present they will all be at six months, and even that will soon become impracticable unless our expenses be immediately curtailed.

I shall cause such notes to be issued for three months' pay to the army, and I must entreat, sir, that every influence be used with the States to absorb them, together with my other engagements, by taxation. The

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\* 6 Sparks' Dip. Rev. Corr., 618.

present collections are most shameful, and afford but a sad prospect to all those who are dependent upon them.

I hope, my dear sir, that the state of public affairs will soon permit you to lay down the cares of your painful office. I should, in two days, have been liberated from mine, if a desire to free you from your embarrassments, and procure some little relief to your army, had not induced a continuance of them. But it must always be remembered that this continuance is distinct from any idea which may be connected with the plans for funding our public debts. As I do not approve of, so I can not be responsible for, them. Neither will I involve myself in endless details which must terminate in disappointment.

With great respect, I am, &c.,

ROBERT MORRIS.

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Dana to Livingston.\*

No. 29.

ST. PETERSBURGH,  
May 30 (May 19, O. S.), 1783.

SIR: I have already sent you three copies of the memorial which I presented to the vice-chancellor, Count Ostermann, on the 27th of past month. There is no doubt, now hostilities have ceased, but one of them at least will come safe to hand. It has all along been uncertain to me what the effect of the memorial would be, that is, whether it would produce any change in her majesty's plan of conduct towards the United States. I had in view by it, principally, to place our affairs in such a point of light that if her majesty should persist in her answer the dishonor of it, if any, should not fall upon the United States.

The memorial was as unexpected to the vice-chancellor as his answer was to me, after the previous assurances I had received that all obstacles were removed. He expected the whole matter would have ended with the conference I had with him; in which case they could, and they would without any scruple, have made what they pleased of it; have varied it, added to it, or diminished it, as future circumstances should render expedient. To prevent this, finding I could not obtain a note in writing of the substance of the answer, I determined to make that certain, as well as my reply to it, by throwing the whole into a memorial.

Not having received an answer to this, as I had desired in my letter accompanying it, on the 17th instant I wrote another letter for the vice-chancellor as my ultimatum, and intended to have sent it yesterday, but a private friend called upon me in the evening of the same day and told me he was informed that I should have an answer in the course of this week which would be satisfactory to me, but that he knew nothing of

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\* MSS. Dep. of State; 4 Sparks' Dip. Rev. Corr., 700.

the particulars. Upon this intelligence I have omitted to send my letter to the vice-chancellor, and shall wait patiently for the answer, at least through the week. Though my expectations are not sanguine from this information, which I have no doubt has been delivered exactly as it was received, yet it gives some room to hope for further explications upon the subject, and that a proper system, such as the true interests of this empire points out, may be finally adopted, and without my coming to the last measure, that of quitting the country, a measure which I can not but consider as indispensably necessary to the maintenance of the honor of the United States, if her majesty should persist in her first answer. A few days will now determine whether all obstacles to my reception are effectually removed, or whether more plausible pretences only are intended to be opposed to it. Not a moment shall be lost to communicate to you whatever may take place relative to so interesting a subject.

As to general news, there seems to be no doubt of the war breaking out between Russia and the Porte, but it is still thought that the Emperor will not take a part in it, knowing the consequence of his doing so will be a general war upon the continent in which he may probably suffer much. I am told the Khan of the Crimea, who has lately been restored by Russia, has ceded that important peninsula to the Empress and retired into the Cuban. Thus that country has been made independent of the Porte, but to become a province of this empire, an event which must have been foreseen, though probably not expected so early. You will find some particulars relative to the Crimea in my letters of the 15th January last. Russia must henceforward be considered as having the absolute command of the Black Sea. But, on the other hand, she will not probably be able to act with her fleets in the Archipelago against the Turks, as in the last war, for a plan it is said is forming by the House of Bourbon to render the Mediterranean a privileged sea like the Baltic (which was done by a confederation of the powers bordering upon that sea), by a similar confederation of the powers upon the Mediterranean. By this means the Russian fleet will be obliged to quit that sea, and France, without entering into the war, will render a most essential service to the Porte. Seven sail of men-of-war, which had received orders to sail from hence and Archangel to join the fleet at Leghorn, have, in consequence of this plan, as is supposed, been stopped. It is said likewise to be intended to suppress those troublesome piratical people upon the coasts of Barbary, and who so frequently insult the first maritime powers of the world, and in a manner make them all their tributaries. I have not been honored with any letter from you since No. 7.

I am, sir, with the greatest respect, &c.,

FRANCIS DANA.



J. Adams to Livingston.\*

PARIS, *May 30, 1783.*

SIR: On the 28th of this month I received the letter you did me the honor to write me on the 13th of February, which arrived at the Hague enclosed with the ratification of the treaty with their high mightinesses, which will be exchanged by M. Dumas, as the conferences here of the definitive treaty will not admit of my taking so long a journey at this time.

This arrival in season to exchange the ratifications before the departure of M. Van Berckel, which is to be in about three weeks, is fortunate. I hope that the first ships from America will bring my letter of recall from that Republic, and another minister, or credence to some one now in Europe, to take my place.

I am happy to find that any letters of mine in September last contained information that you think of consequence, although, not having my letter book here, I am not able to recollect the subject. The final completion of the negociation with Holland gives me a pleasure which will not be equalled but by that of the definitive treaty of peace, which languishes at present for want of decisive instructions from Mr. Hartley, in such a manner as gives cause to suspect that the present ministry are not firm in their seats.

The presence of a minister in Holland would encourage your loan of money there, but it would be quickened still more by your sending a minister to London, with powers to borrow money there. Emulation is the best spring; or call it rivalry, or jealousy, if you will, it will get you money, if you put it in motion.

I have received two ciphers from you, sir, one beginning with No. 1, and ending with No. 1011. The other beginning with Amsterdam, and ending with Provinces.

I have the honor to be, etc.,

JOHN ADAMS.

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Jay to Livingston.†

PARIS, *May 30, 1783.*

DEAR SIR: It can not, in my opinion, be long before Congress will think it expedient to name a minister to the court of London. Perhaps my friends may wish to add me to the number of candidates for that office. If that should be the case I request the favor of you to declare, in the most explicit terms, that I view the expectations of Mr. Adams on that head as founded in equity and reason, and that I will not by any means stand in his way. Were I in Congress I should vote for him. He deserves well of his country, and is very able to serve her.

\* MSS. Dep. of State, 4 Sparks' Dip. Rev. Corr., 25 with verbal changes; 8 J. Adams' Works, 64.

† MSS. Dep. of State; 4 Sparks' Dip. Rev. Corr., 533.

It appears to me to be but fair that the disagreeable conclusions which may be drawn from the abrupt repeal of his former commission should be obviated by its being restored to him. I do, therefore, in the most unequivocal manner decline and refuse to be a competitor with that faithful servant of the public for the place in question.

As Mr. Barclay has power to settle our accounts in Europe, I wish that orders may be sent to Mr. Carmichael to come here with the books and documents necessary to enable Mr. Barclay to examine and settle the public accounts in my department. I can not learn that my repeated requests to him to send a state of those accounts to Philadelphia have as yet been complied with.

I am, dear sir, &c.,

JOHN JAY.

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Livingston to the Peace Commissioners.\*

PHILADELPHIA, *May 31, 1783.*

GENTLEMEN: Congress yesterday passed the enclosed resolutions on the subject of the payment of British debts. The language they speak requires no comment.

I complained in my last of your long silence, or rather laid before you the complaints of Congress. These, I think, receive additional force from the intelligence that I have since had that the negotiations are still going on, and that important propositions have been made you from Holland. As Congress have adjourned for two days, and the packet sails to-morrow, I can not procure their instructions on this subject; though I think I may venture to say that they will not without reluctance go one step further than their honor requires of them in making new engagements which may involve them in the disputes of Europe, from which they wish to be totally disengaged. I make no observations on these propositions, or your power to accede to them, being well persuaded that you will take no step in this business without a full persuasion that important advantages will result therefrom to these States. The second proposition, in case France and Spain should decline acceding to the first, is more peculiarly delicate from the inability of the contracting powers to enforce them, if, which is hardly to be supposed, they should unite in wishing it.

I can not help lamenting, since so much time has elapsed before any conclusion is formed, that you had not thought it advisable to write me on this subject, explaining the advantages and disadvantages of the measure, and enabling me to take the sense of Congress thereon; for though they have the highest confidence in your judgment and knowledge of the true interests of this country, yet I am persuaded that they think it a duty to see with their own eyes, and to form their

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\* MSS. Dep. of State, 5 Sparks' Dip. Rev. Corr., 495.

own conclusions on great national objects, where there is a possibility of so doing. The experience of the last war has shown that the propositions of the Empress of Russia were little more than a dead letter. Those whom England dared to offend derived no advantage from them. Our engagement, therefore, on this head will, in my opinion, add little weight to them, unless the great maritime powers of Europe agree to support them, and they may involve us in disagreeable discussions. These, however, are only my sentiments—those of Congress I am ignorant of.

The fifth and sixth articles of the provisional treaty excite much ferment here; for though the most dissatisfied spirits acknowledge the whole treaty taken together to answer their highest expectations, yet they wish to take only what they like and leave out what they disapprove; and such is the relaxation of government, and so great the disorder and uneasiness introduced by the war that it will be found very difficult to bridle the just resentments of some, and the unfounded apprehensions that others entertain of reimbursement that may affect their particular interests.

I have the honor to be, &c.,

ROBERT R. LIVINGSTON.

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Livingston to Franklin.\*

PHILADELPHIA, May 31, 1783.

SIR: I informed you some time since that I had written to the court of appeals on the subject of the Nossa Senhora da Soledade San Miguel e Almas, and laid before them the papers you sent me. The cause has since been determined in such a way as will, I hope, be satisfactory to her Portuguese majesty. I enclose the copy of a letter from the first judge of the court of appeals on that subject.

Nothing has yet been done as to the acceptance of your resignation, nor will, as I believe, anything be done very hastily. Many think your task will not be very burdensome now, and that you may enjoy in peace the fruit of your past labors.

As this will probably be the last letter which I shall have the pleasure of writing to you in my public character, I beg leave to remind you of the affairs of the *Alliance* and the *Bon Homme Richard*, which are still unsettled. I must also pray you not to lose sight of the vessels detained by his Danish Majesty. This will be a favorable opportunity to press for their restitution. I do not see how they can decently refuse to pay for them. Great Britain is bound in honor to make them whole again.

Preparations for the evacuation of New York still go on very slowly,

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\* MSS. Dep. of State; 2 Sparks' Dip. Rev. Corr., 442.

while the distress of our finances has compelled us to grant furloughs to the greater part of our army.

If it were possible to procure any addition to the last six millions, it would be extremely useful to us at present.

An entire new arrangement with respect to our foreign department is under consideration. What its fate will be, I know not.

I am, &c.,

ROBERT R. LIVINGSTON.

**Jay's Proposed Agreement.\***

JUNE 1, 1783.

Whereas a variety of circumstances and considerations oppose the forming at present a permanent treaty of commerce between the imperial crown of Great Britain and the United States of America; and whereas it is expedient that a commercial intercourse should be without delay opened and regulated between the kingdom and territories of Great Britain and the said States by a temporary convention: Therefore,

It is agreed that for the term of ——— from the date hereof, &c. Provided that the subjects of his Britannic majesty shall not have any right or claim under the convention to carry or import into the said States any slaves from any part of the world; it being the intention of the said States entirely to prohibit the importation thereof.

And whereas questions may arise respecting the operation of this convention on Ireland, it is agreed that it shall not restrain that kingdom from accepting from and granting to the said States further and more extensive commercial privileges than that island and the British American colonies enjoyed with respect to each other before the late war.

And whereas this convention is dictated by temporary convenience, and the discussion of questions respecting reciprocity has, in forming it, been avoided; therefore it is agreed that no arguments shall be drawn from it, for or against any propositions or claims which either party may make in treating of, and framing the proposed future treaty of commerce.

**Hartley's Proposed Agreement.†**

JUNE 1, 1783.

It is agreed that the citizens of the United States of America shall be permitted to import into, and export from, any port or place of the territories belonging to the crown of Great Britain, in American ships, any goods, wares, and merchandise which might have been so imported

\* 5 Sparks' Dip. Rev. Corr., 498.

† MSS. Dep. of State; 5 Sparks' Dip. Rev. Corr., 498.

by the inhabitants of the British American colonies before the commencement of the late war, upon payment of the same duties and charges as the like sort of goods or merchandise are now, or may be, subject and liable to if imported or exported by British subjects, in British ships, into and from any port or place of the territories belonging to the crown of Great Britain: Provided, however, that the citizens of the United States shall not have any right or claim, under this convention, to carry on any direct intercourse of commerce between the British West Indian Islands and the ports of Great Britain.

It is agreed, likewise, that the subjects of Great Britain shall be permitted to import into, and to export from, any part of the territories of the United States of America, in British ships, any goods, wares, and merchandise which might have been so imported or exported by the subjects of Great Britain before the commencement of the late war, upon payment of the same duties and charges as the like sort of goods, wares, and merchandise are now, or may be, liable to if imported or exported in American ships by the citizens of the United States of America.

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**J. Adams' Proposed Agreement.\***

JUNE 1, 1783.

Articles agreed upon by and between David Hartley, minister plenipotentiary of his Britannic majesty for and in behalf of his said majesty, on the one part, and John Adams, Benjamin Franklin, John Jay, and Henry Laurens, ministers plenipotentiary of the United States of America for treating of peace with the minister plenipotentiary of his said majesty, on their behalf, on the other part, *In addition* to those articles agreed upon on the 30th day of November, 1782, by and between Richard Oswald, the commissioner of his Britannic majesty for treating of peace with the commissioners of the United States of America, in behalf of his said majesty, on the one part, and the said John Adams, Benjamin Franklin, and Henry Laurens, commissioners of the said States for treating of peace with the commissioner of his said majesty on their behalf, on the other part.

Whereas it is expedient that intercourse and commerce should be opened between the people and territories subject to the crown of Great Britain and those of the United States of America, and that this intercourse and commerce should be established on the most enlarged principles of reciprocal benefit to both countries:

1st. It is agreed that ministers shall be forthwith nominated and vested with full powers to treat, agree, and conclude upon a permanent treaty of commerce between the two powers and their respective citizens, subjects, and countries.

2dly. For the purpose of a temporary regulation of such intercourse and commerce it is agreed, that the citizens of the United States shall import into, and export from, any part of the dominions subject to the crown of Great Britain, in American ships, any goods, wares, and merchandises which have been so imported or exported by the inhabitants of the British American colonies before the commencement of the late war, paying only the same duties and charges as the like sort of goods or merchandises are now or may be subject to if imported by British subjects, in British ships, from any British island or plantation in America; and that the subjects of his Britannic majesty shall import to, and export from, any part of the territories of the United States of America, in British ships, any goods, wares, and merchandise which might have been so imported or exported by the subjects of his Britannic majesty before the commencement of the war, paying the same duties and charges as the like sort of goods, wares, and merchandises are now, or may be, subject to if imported in American ships by any of the citizens of the said United States.

This agreement to continue in force for all vessels which shall sail from any port of either party on or before the ——— day of ——— and no longer; provided always, that nothing in this agreement shall at any time hereafter be argued on either side in support of any proposition which may be made in the future negociation of a permanent treaty of commerce.

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Dana to J. Adams.\*

ST. PETERSBURG, *June 1, 1783.*

DEAR SIR: By the last post I sent an open letter for Mr. Livingston, under cover to you, to give you what further information I had received relative to the memorial. The week is past, and nothing more has yet taken place. This, considering how affairs are conducted here, is not really unexpected. Patience, much patience, indeed is necessary. If I was sure Congress would support me in it, I would take another step, of the propriety of which I have personally no doubt, but, to support it, Congress must resolve not to send another minister here, when I quit the ground. If half a score of such geniuses as you were there, I would infallibly take it at every hazard, if I have not a satisfactory answer to my memorial.

Touching the gentleman's doubt, whether the credit was necessary, he may be assured I should not have written for it if I had not been *certain* of the custom. It is a matter of too much consequence to be taken upon slight information. The sum to be paid is six thousand roubles for each signature, and there are generally four appointed on their part, which sum falls short of the credit I asked for, more or less,

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\* 8 J. Adams' Works, 65.

as the exchange varies. It will not go beyond it. I thought it advisable to have enough, as whatever remained might be carried by me to the credit of the United States. This is so settled a custom, that every power which has acceded to the neutral confederation has paid it. Thus much to clear up scruples. We should not have heard so much about the armed neutrality in this quarter, if the case had been otherwise. I have a *curious* tale to tell of this matter. It would be a very proper place to tell that and some other things in, when you wish now and then "to throw out some stories about our peregrinations, robbers, &c." Neither you nor they know the real state of matters here, nor will they till my return, if then, which will depend upon contingencies. I fear only the effect of delusion.

It is a great satisfaction to me to find the reasons I have assigned for not making the communications you spoke of, are thought by you to be conclusive. Yet, for the *weighty* reason above mentioned, there is a design to keep the bubble up. It appears to be absolutely necessary for us to concern ourselves about it. This is my clear opinion; and if I was in that same place, I would give my reasons at large for it. Fear not, I will never engage you in any affair on account of your advice given as a friend to me. When I ask it officially, and *expressly* so, the case is different. Your hints are always serviceable; if I do not follow them, they put me upon reflecting on the subject of them with more deliberation.

Mr. Hartley, you say, is to *finish* with you. Do you mean by this, as I suppose, to conclude the definitive treaty? The world tells us, and Mr. Fox seems to support it, that his business is a commercial treaty I am ignorant, if you have such powers. I doubt it from what you last wrote me upon that subject. The West India trade, as tendered by Mr. Pitt's bill, at least, must be secured. In this quarter of the world I see the whole importance of it. I wrote to Mr. Livingston upon that subject early last winter, and proposed the same plan to him, with this difference, that we should have full liberty to export the West India commodities to *all parts* of the world, by which means we should gain a most important commerce with Europe. The same duties only must be paid as their own subjects pay upon exportation to Great Britain. This is absolutely necessary to secure the advantage of a *direct* commerce with Europe. Without it, they may enhance the price of the commodities upon us, *ad libitum*.

As to the Congress and mediation which you say are talked of, I agree fully with you, that there is no need of either on our affairs. But how are you to be invited to join it, if there was, when objections are raised here by one of the mediators against the reception of a minister from the United States? It would be a curiosity, indeed, if it should happen, and yet it would not surprise me if it should. When we once depart from fixed principles there are no inconsistencies and absurdities we may not fall into. Besides, I should not be surprised if the other

part of the business than what you mention should be thrown into the hands of 121.\* For I know there is an extreme jealousy entertained by the 134.57† about the treaty I have in contemplation. I have been told, *more than once*, we can have nothing in particular here that would render a treaty worth the expense of it. Indeed, there might be some advantage in a political connection. But this will be general to all nations. The only difference, by having a treaty, would be the paying of duties in the money of Russia instead of rix dollars and the expenses would far exceed this advantage. I have constantly favored these ideas, and answered, Congress are desirous of having a commercial treaty with this empire. They must be gratified, and it is my business to make it. If it cost them more than it is worth, it is none of my fault. Judge you, my friend, from this and the *confidential* intelligence which I communicated to you in my letter by your son, upon some circumstances which may have fallen under your knowledge.

Yours, etc.,

FRANCIS DANA.

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Jay to Livingston.‡

PARIS, June 1, 1783.

DEAR SIR: I have had the honor of receiving your favor of the 4th of January last. The cipher you mention to have enclosed is missing. My letter by Captain Barney affords an answer to the greater part of your inquiries. Business here goes on heavily. The Dutch and English are not yet agreed, and some points remain still to be adjusted between the latter and the French and Spaniards. Mr. Hartley has an ample and proper commission to conclude with us. We are discussing the terms of a temporary commercial regulation, but as he is waiting for more full instructions, it may be a week or a fortnight before we shall be able to inform you of the real intentions of Britain on that subject.

Before I left Spain, and often since by letters, I desired Mr. Carmichael to make out and transmit to Philadelphia a clear and full state of the public accounts, and also, agreeably to Dr. Franklin's request, to send him an account of the bills remaining to be paid. The Doctor has not received his account, and I have no reason to suppose that you or Mr. Morris have received the other. I am not easy about this matter, for in case of the death or recall of Mr. Carmichael (by whom all these accounts were kept, and through whom I managed those transactions) I might experience difficulties respecting those accounts which may now be avoided.

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\* Dr. Franklin.

† The key to Mr. Dana's cipher is missing. Most probably the figures stand for Dr. Franklin and the French ministry.

‡ MSS. Dep. of State; 4 Sparks' Dip. Rev. Corr., 534.



I understood from Mr. Barclay that he is authorized to examine and settle these accounts, and as Mr. Carmichael has not much to do at Madrid, I am very desirous that he should be ordered to bring here all the books and papers relative to these accounts, and with me to attend their settlement by Mr. Barclay. Be so good as to lay this matter before Congress without delay.

I have the honor to be, &c.,

JOHN JAY.

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*Hartley's Memorial to the Commissioners.\**

JUNE 1, 1783.

The proposition which has been made for a universal and unlimited reciprocity of intercourse and commerce between Great Britain and the American United States, requires a very serious consideration on the part of Great Britain, for the reasons already stated in a memorial dated May 19th, 1783, and for many other reasons which, in the future discussion of the proposition, will appear. To the American States, likewise, it is a matter of the deepest importance, not only as a proposition of commercial intercourse, which is the least part, but most principally as a political basis and guarantee for their newly established constitutions. The introduction of British interests into a communion of intercourse will bring forward a universal guarantee on the part of Great Britain in the future progress of political events, which may affect the United States of America in their national capacity. The proposition is fertile in future prospects to Great Britain; and America also may wisely see in it a solid foundation for herself.

All circumstances are most fortunately disposed between Great Britain and the American States, to render them useful friends and allies to each other, with a higher degree of suitableness between themselves than any other nations can pretend to. France can not interchange reciprocities with the American States, by reason of numberless impediments in her system of government, in her monopolies, and her system of commerce. France has the great disability of difference in language to contend with; and the institution of the present French manufactures has never, at any time heretofore, been trained or adapted to American commerce. The only particular and pacific facility which France ever possessed for American intercourse has for many years been transferred into the British scale by the cession of Canada to Great Britain. The future commerce between France and America will chiefly be regulated by such conveniences as France can draw to herself from America, without much aptitude on the part of France, to accommodate her manufactures and commerce to American demands. In short, an interchange of reciprocities between France and America

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\*5 Sparks' Dip. Rev. Corr., 506, with verbal changes.

would run against the stream on both sides; and all established habits, manners, language, together with the principles of government and commerce, would militate against such a system.

Conformably to this reasoning it appears that France has not at any time entertained any systematical design of forming any union or consolidation of interests with America. She took up the American cause as instrumental to her political views in Europe. America likewise accepted the alliance with France for her separate views, viz., for the establishment of her independence. The alliance, therefore, is completed and terminated without leaving behind it any political principle of future permanent connexion between them. Occasional circumstances produced a temporary alliance. Similar circumstances may, on any future occasion, produce a similar event of a temporary compact. Dissimilar circumstances, arising from any future political views of the court of France in Europe, may, without any inconsistency of principle, throw the power of that kingdom into a scale adverse to the future interests of the American States. In such case, therefore, where there can not exist any permanent political connexion between France and America, and where the commercial attachments can be but feeble, it would be in vain to expect in the French nation any such ally as newly established States ought to look out for, to give maturity and firmness to their constitutions.

As to Spain, every argument which has been stated respecting diversity of language, manners, government, monopolies, and system of commerce, from those which prevail in the United States of America, obtains in a superior degree. And much more to add, besides; for Spain is not only incompetent to interchange reciprocities with the American States, but likewise her own situation in America will at all times render her extremely jealous of her neighbors. The only activity which Spain has exerted in the war has been to procure a barrier against the American States by annexing West Florida to her former acquisition of New Orleans, thereby embracing the mouth of the Mississippi, and by means of that river, jointly with her landed possessions, establishing a strong and jealous boundary against any future progress of the American States in those parts. Spain, therefore, can not be looked upon by the American States as a suitable object of their election to become a permanent ally and friend to them. Portugal, likewise, labors under all the disabilities of language, manners, monopolies, government, and system of commerce. Her national power and importance would be likewise insufficient to constitute a strong and permanent ally to the American States. All these nations will undoubtedly be found to have many commodious qualities for participation in commerce; but the pre-eminent faculties necessary to constitute a firm and permanent ally to the American States will be found deficient in them.

As to the Italian states, or any other powers in the Mediterranean, they are certainly not adequate to any competition of political alliance

with the rising States of America. They will also form very commodious links and connections in the general circuit of commerce, but beyond these considerations they have no share in the present question. The several states in the Germanic body are in the same predicament.

As to the northern powers, viz., those in the Baltic, they are not favored, either by vicinity or climate, for a frequent or facile intercourse of commerce with America. And even respecting several material articles of commerce, jealousies and competitions might arise. As to political alliances, there are no such in prospect from them towards the American States. Even if there were any superfluity of force in any of them beyond the necessities of their respective domestic situations, the extreme distance would be conclusive against any possible application of such power as a political alliance favorable to the establishment and confirmation of the American States.

The only maritime state on the continent of Europe remaining to be discussed as a competent candidate for commerce or connection with America is the republic of the United Netherlands, commonly called Holland. In respect to American commerce, the Dutch have among themselves every facility combined which the separate states of Europe possess distinctly in their own concerns or nearly. Their industry, frugality, and habits of commerce may even carry them so far as to make them rivals to the Americans themselves in the transportation of European merchandise to America. These faculties of commerce would have been of infinite importance to the American States if the war had continued between Great Britain and them. But upon the event of peace it becomes a matter of the most perfect indifference to America whether each European state navigates its own commerce into the ports of America, which will open to all, or whether the commercial faculties of Holland enable her to exceed in rivalry her European neighbors, and thereby to navigate European goods to America beyond the proportion of her national share. The faculties of a nation of carriers may be fortunate for the marine of that nation; but considered in themselves, and with respect to other nations, they are but secondaries in commerce. They give no ground of reciprocity or participation. That one nation should say to another, you shall navigate all our rivers, harbors, lakes, ports, and places, if we may do the same in yours, is a proposition of reciprocity; but that Holland should say to America, we will bring European goods to you, or you may be your own carriers, is neither concession nor reciprocity. Holland is not a nation of rivers, harbors, lakes, ports, and places for the distribution of goods and manufactures for internal consumption, and therefore her reciprocities must be very scanty. Holland is the market-place of Europe, and the Dutch seamen are the carriers appertaining to that market-place. The admission of American ships to that market-place, freely to import and to export, is undoubtedly an act of reciprocity on the part of Holland, as far as it goes, but in no degree adequate to the unlimited participa-

tion of the commerce of America throughout the rivers, harbors, lakes, ports, and places of that vast continent. The commercial reciprocities of Holland, therefore, being inferior on her part towards America, the next point of view in which Holland is to be considered as relevant to this question is as a nation of power, capable of becoming an effectual and permanent ally and guarantee to the American States, for that is the great object which America, as a wise nation recently arisen into independence, ought to keep in view. Holland has certainly been a nation of great and celebrated naval force; she remains so still; but having for many years suspended her exertions of force, and having directed the faculties of her people into the commercial line, she seems not to have any superfluity of force beyond the necessity of providing for her own security; and certainly no such redundance of power as to extend to the protection of distant nations as allies or guarantees. It appears, therefore, upon the whole of this argument that Holland, although a commercial nation, can not even interchange commercial reciprocities with America upon an equal footing, and that her faculties of force are inadequate to those which America ought to expect in the permanent allies and guarantees of her country.

The independence of the American States being established, their first consideration ought to be to determine with what friendships and alliances they will enter into the new world of nations. They will look round them, and cast about for some natural, permanent, and powerful ally, with whom they may interchange all cementing reciprocities, both commercial and political. If such an ally is to be found anywhere for them it is still in Great Britain; at least it is certain that, in looking round Europe, no other is to be found. There is no inherent impossibility to prevent such a connection from taking place; it must depend on the free will and common interest of the parties. There are all possible faculties on both sides to give and to receive all adequate and beneficial reciprocities which are practicable, and more likely to be permanent between independent parties than between two parties of which one is dependent on the other. Great Britain is, undoubtedly, the first of European nations in riches, credit, faculties, industry, commerce, manufactures, internal consumption, and foreign export, together with civil liberty, which is the source of all, and naval power, which is the support of all. The dominions appertaining to the crown of Great Britain are large and fertile; its colonies still extensive and in close vicinity to the American States, Great Britain herself being an American as well as an European power, and all her empire connected by her naval force.

The territories of the American States, from the Atlantic Ocean to the Mississippi, contain an inexhaustible source of riches, industry, and future power. These will be the foundations of great events in the new page of life. Infinite good or infinite evil may arise, according to the principles upon which the intercourse between Great Britain and

America shall be arranged in its foundation. Great Britain and America must be still inseparable, either as friends or foes. This is an awful and important truth. These are considerations not to be thought of slightly; not to be prejudged in passion, nor the arrangements of them to be hastily foreclosed. Time given for consideration may have excellent effects on both sides. The pause of peace, with friendly intercourse, returning affection, and dispassionate inquiry, can alone decide these important events, or do justice to the anxious expectations of Great Britain and America.

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**Hartley's Six Propositions for a Definitive Treaty.\***

JUNE 1, 1783.

1st. That lands belonging to persons of any description which have not actually been sold shall be restored to the old possessors without price.

2dly. That an equal and free participation of the different carrying places, and the navigation of all the lakes and rivers of that country, through which the water line of division passes between Canada and the United States, shall be enjoyed fully and uninterruptedly by both parties.

3dly. That in any such places, within the boundaries assigned generally to the American States, as are adjoining to the water line of division, and which are not specifically under the dominion of any one State, all persons at present resident, or having possessions or occupations as merchants or otherwise, may remain in peaceable enjoyment of all civil rights, and in pursuit of their respective occupations.

4thly. That in any such places adjoining to the water line of division as may be under the specific dominion of any particular State, all persons at present resident, or having possessions or occupations [as merchants, or otherwise, may remain in the peaceable enjoyment of all civil rights and in pursuit of their occupations] until they shall receive notice of removal from the State to which any such place may appertain; and that, upon any such notice of removal a term of three years shall be allowed for selling or withdrawing their valuable effects, and for settling their affairs.

5thly. That his Britannic majesty's forces, not exceeding \_\_\_\_\_ in number, may continue in the posts now occupied by them contiguous to the water line, for the term of three years, for the purpose of securing the lives, property, and peace of any persons settled in that country against the invasion or ravages of the neighboring Indian nations, who may be suspected of retaining resentments in consequence of the late war.

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\* MSS. Dep. of State; 5 Sparks' Dip. Rev. Corr., 518, with verbal changes.

6thly. That no tax or impost whatsoever shall be laid on any articles of commerce passing or repassing through the country, but that the trade may be left entirely open for the benefit of all parties interested therein.

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**The Commissioners' Answers to Mr. Hartley's Six Propositions.**

To the 1st. This matter has been already regulated in the 5th and 6th articles of the provisional treaty, to the utmost extent of our powers. The rest must be left to the several States.

2dly. All the lakes, rivers, and waters divided by the boundary line or lines between the United States and his Britannic majesty's territories shall be freely used and navigated by both parties during the whole extent of such divisions. Regulations concerning roads, carrying places, and any land communications between said waters, whether within the line of the United States or that of his majesty, together with the navigation of all waters and rivers in America, belonging to either party, may be made in a negotiation of a treaty of commerce.

3dly and 4thly. That in all places belonging to the United States in the country adjoining to the water line of division, and which, during the war, were in his majesty's possession, all persons at present resident, or having possessions or occupations as merchants or otherwise, may remain in the peaceable enjoyment of all civil rights, and in pursuit of their occupations until they shall receive notice of removal from Congress or the State to which any such place may appertain; and that upon any such notice of removal, a term of two years shall be allowed for selling or withdrawing their effects, and for settling their affairs.

5thly. That his Britannic majesty's forces, not exceeding ——— in number, may continue in the posts now occupied by them contiguous to the water line, until Congress shall give them notice to evacuate the said posts, and garrisons of their own shall arrive at said posts, for the purpose of securing the lives, property, and peace of any persons settled in that country against the invasion or ravages of the neighboring Indian nations who may be suspected of retaining resentments in consequence of the late war.

6thly. The consideration of this proposition may be left to the treaty of commerce.

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**Propositions made by the Commissioners to David Hartley for the Definitive Treaty.\***

JUNE 1, 1783.

1st. To omit in the definitive treaty the exception at the end of the second article of the provisional treaty, these words, viz., "excepting

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\* *MSS. Dep. of State* ; 5 Sparks' *Dip. Rev. Corr.*, 515, with verbal changes.

such islands as now are, or heretofore have been, within the limits of the said Province of Nova Scotia."

2dly. The prisoners made respectively by the arms of his Britannic majesty and the United States, by sea and by land, not already set at liberty, shall be restored reciprocally and *bona fide* immediately after the ratification of the definitive treaty without ransom and on paying the debts they may have contracted during their captivity; and each party shall respectively reimburse the sums which shall have been advanced for the subsistence and maintenance of the prisoners by the sovereign of the country where they shall have been detained, according to the receipts and attested accounts and other authentic titles, which shall be produced on each side.

3dly. His Britannic majesty shall employ his good offices and interposition with the King or Emperor of Morocco or Fez, the regencies of Algiers, Tunis, and Tripoli, or with any of them, and also with every other prince, state, or power of the coast of Barbary, in Africa, and the subjects of the said king, emperor, states, and powers, and each of them, in order to provide as fully and efficaciously as possible for the benefit, conveniency, and safety of the said United States, and each of them, their subjects, people, and inhabitants, and their vessels and effects, against all violence, insult, attacks, or depredations on the part of the said princes and states of Barbary or their subjects.

4thly. If war should hereafter arise between Great Britain and the United States, which God forbid, the merchants of either country then residing in the other shall be allowed to remain nine months to collect their debts and settle their affairs and may depart freely, carrying off all their effects without molestation or hindrance. And all fishermen, all cultivators of the earth, and all artisans and manufacturers unarmed and inhabiting unfortified towns, villages, or places, who labor for the common subsistence and benefit of mankind, and peaceably follow their respective employments, shall be allowed to continue the same and shall not be molested by the armed force of the enemy in whose power, by the events of war, they may happen to fall; but if anything is necessary to be taken from them for the use of such armed force, the same shall be paid for at a reasonable price. And all merchants or traders with their unarmed vessels employed in commerce, exchanging the products of different places, and thereby rendering the necessities, conveniences, and comforts of human life more easy to obtain, and more general, shall be allowed to pass freely unmolested. And neither of the powers parties to this treaty shall grant or issue any commission to any private armed vessels, empowering them to take or destroy such trading ships or interrupt such commerce.

5thly. And in case either of the contracting parties shall happen to be engaged in war with any other nation, it is further agreed, in order to prevent all the difficulties and misunderstandings that usually arise respecting the merchandise heretofore called contraband, such as arms, ammunition, and military stores of all kinds, that no such articles carry-

ing by the ships or subjects of one of the parties to the enemies of the other shall on any account be deemed contraband, so as to induce confiscation and a loss of property to individuals. Nevertheless, it shall be lawful to stop such ships and detain them for such length of time as the captors may think necessary to prevent the inconveniences or damage that might ensue from their proceeding on their voyage, paying, however, a reasonable compensation for the loss such arrest shall occasion to the proprietors. And it shall further be allowed to use, in the service of the captors, the whole or any part of the military stores so detained, paying to the owners the full value of the same.

6thly. The citizens and inhabitants of the said United States, or any of them, may take and hold real estates in Great Britain, Ireland, or any other of his majesty's dominions, and dispose by testaments, donations, or otherwise of their property, real or personal, in favor of such person as to them shall seem fit; and their heirs, citizens of the said United States, or any of them, residing in the British dominions or elsewhere, may succeed them *ab intestato*, without being obliged to obtain letters of naturalization. The subject of his Britannic majesty shall enjoy on their parts, in all the dominions of the said United States, an entire and perfect reciprocity relative to the stipulations contained in the present article.

7thly. The ratifications of the definitive treaty shall be expedited in good and due form and exchanged in the space of five months, or sooner if it can be done, to be computed from the day of the signature.

8thly. Query. Whether the King of Great Britain will admit the citizens of the United States to cut logwood on the district allotted to his majesty by Spain, and on what terms?

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Livingston to the President of Congress.\*

PHILADELPHIA, *June 2, 1783.*

SIR: I have the honor to submit to Congress a letter of M. Dumas, with several papers relative to a negociation which appears to have been commenced by the States of Holland with our ministers. As this subject may be very important in its consequences, it is to be presumed that they would wish to have the direction of Congress. I would therefore take the liberty to suggest that these papers be committed to a special committee.

As my stay in town will not admit of my executing the commission which M. Van Berckel requires, I must pray Congress also to give some direction therein.

I have the honor to be, &c.,

ROBERT R. LIVINGSTON.

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\* MSS. Dep. of State; 6 Sparks' Dip. Rev. Corr., 246.



**Livingston's Memorandum of June 3, 1783—Report of Secretary for Foreign Affairs on M. Dumas' Letter of March 20, 1783.\***

OFFICE OF FOREIGN AFFAIRS,  
*June 3, 1783.*

Mr. Livingston, to whom was referred the letter from M. Dumas, dated the 20th of March, 1783, with the papers enclosed, reports upon the latter:

1st. That it appears from them that propositions have been made on the part of the States-General to the ministers of the United States at Paris, in order to render an express stipulation in favor of the freedom of navigation less necessary in the treaty of peace between Great Britain and the United Provinces of the Netherlands, either to accede to the treaty of the armed neutrality already concluded between some powers of Europe, or to enter into similar engagements with France, Spain, and the United Provinces of the Netherlands; or, in case France and Spain should refuse to enter into a convention founded on the principles of the armed neutrality, or wish to delay it till after the general peace, to form a separate convention for similar purposes between the United Provinces of the Netherlands with the United States of America.

That the answers to this proposition do not appear from the papers transmitted, though there is room to infer from M. Dumas' letter of the 4th and 10th of February that the two first of these propositions were encouraged by our ministers, and that the States-General proposed to act in consequence thereof and have made the last proposition in order to be prepared in case either or both of the two first should fail.

It appears to Mr. Livingston that no powers are at present vested in any person in Europe to agree to any treaty similar to that entered into by Russia, Sweden, Denmark, and the United Provinces of the Netherlands, after the peace shall be concluded. The resolution of the 5th of October, 1780, empowers the ministers of these States, if invited thereto, to accede to such regulations conformable to the spirit of the declaration of the Empress of Russia as may be agreed upon by the Congress expected to assemble in pursuance of the invitation of her Imperial majesty. Our ministers received no invitation, and special powers were afterwards given to Mr. Dana which in their nature superseded that resolution. Mr. Dana was by his commission and instruction empowered to sign the treaty or convention for the protection of commerce in behalf of the United States, either with her Imperial majesty in conjunction with the other neutral powers, or, if that shall be inadmissible, separately, with her Imperial majesty or any of *those* (that is those neutral) powers.

The treaty being only made to continue during the war, his powers terminated with the war, or, at most, extended only to sign it with the neutral powers and not to form a new and separate treaty.

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\* MSS. Dep. of State.

Mr. Livingston. (sic) I mention these circumstances that powers may be given for that purpose if Congress should deem it proper to enter into engagements similar to those recommended by the Empress of Russia and which shall extend to future wars.

That it can not be disputed that such an alteration in the maritime code would be extremely desirable, as commerce and not war will be in future the great political object of these States. That, for that reason, it were much to be wished that the principles of the armed neutrality had made a part of the definitive treaty. That it will be of less consequence if it is made without the concurrence of so considerable a maritime power as Great Britain, because the infractions of it may lead the parties who engage to support it into disagreeable disputes, and perhaps involve them in a new war, since the 8th article of the neutral maritime treaty amounts to a defensive maritime alliance, and the remote interests that any, unless it be the United Provinces, will have in preserving it will probably render it nugatory when it clashes with the views of the nations who have a naval superiority.

That a treaty of this kind with the United Provinces alone would, from the weakness of both parties, give no security to either, but draw them into wars which it is their interest to avoid, or compel them to violate their engagements.

Upon this state of facts Mr. Livingston humbly submits the following resolutions:

1st. That the ministers of the United States empowered to conclude a treaty of peace be instructed to endeavor, if it can be done without delaying the definitive treaty, to establish therein the rights of neutral nations, conformably to the principles laid down in the treaty concluded between her Imperial majesty, the Empress of all the Russias, and his majesty the King of Denmark and Norway, on the 10th day of July, 1780.

2nd. That they be empowered, if it shall appear to be absolutely necessary, to accelerate the general peace and give satisfaction to the allies of these States, to enter into engagements with France, Spain, and the United Provinces similar to those contained in the above treaty, always, however, bearing in mind that Congress wish to enter as little as possible into stipulations which may engage them in the wars of Europe, and that they are only influenced to give this instruction by their desire of peace, and their wish to satisfy the expectations of their allies.

3d. That they be instructed by no means to agree to any convention of the nature above mentioned to which France, Spain, and the United Provinces shall not be parties.

For a report on Mr. Dumas' application on account of Mr. Van Berckel, Mr. Livingston takes the liberty to refer Congress to the letters he had the honor to address to them the day before yesterday.

R. B. LIVINGSTON.

JUNE 5, 1783.

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Thomson to Livingston.\*

JUNE 4, 1783.

DEAR SIR: I am extremely sorry to find the public must be deprived of the benefit of your experience and services at the very time when I apprehend they will be most wanted. I am the more mortified as I am persuaded from your letter to a late committee appointed to confer with you, as well as from some expressions of Mr. Hamilton, that you would have continued in the office had your salary been only made equal to your necessary expenses. I wish experience may not prove this to have been an ill-timed parsimony. Who your successor will be, I cannot divine. Wednesday next, you see, is assigned for the election, but no person is yet nominated. I rejoice in the honorable testimonial Congress has given of your ability, zeal, and fidelity. I wish the next who fills the office may give as much satisfaction and be equally deserving, but the choice must then fall on some other than those within my view who I believe would wish to succeed you.

By the resolution which precedes the vote of thanks, you see I am directed to receive into my care the papers of your office until a successor can be appointed. I wished to have avoided this, and that the papers should be left in the custody of your first under secretary, or that they should be delivered over to a committee of Congress. The first, I apprehended, would be the most proper, if it is really intended to elect a successor at the time mentioned, and the latter if that is not the case. However, as the resolve only directs me to receive the papers into my care, and as I am determined to have nothing to do with the business of the office, I must beg the favor of you to order all the papers packed up, sealed with your seal, and then sent to my office, where they shall lie till Congress shall otherwise dispose of them.

I wish you all happiness, etc.

I am, with sincere respect and esteem, your most obedient and most humble servant,

CHAS. THOMSON.

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Livingston to Thomson.†

PHILADELPHIA, June 5, 1783.

DEAR SIR: I am much flattered by your polite and friendly letter of yesterday, and it gives me the highest pleasure to think that my conduct while in office was satisfactory to Congress. I can not think (with you) that they will find much difficulty in replacing me by some gentleman at least as well qualified to perform the functions of the office as I am, if they will heartily unite in wishing it. Perhaps their placing the

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\* N. Y. Historical Society, 1878, 169.

† Id., 170.

papers in your hands is one step towards it. They may and will, I hope, prevail upon you to change your determination with respect to the business of the office. I am now making out lists of the papers and books in the office, and hope to be able to deliver them over to-morrow. If you should not think it more expedient to have them in the office I have hired for the public, and which I suppose the clerks will occupy till the further order of Congress, they might be usefully employed in continuing to make the copies they have began (*sic*) of public letters.

I am, dear sir, with great regard and esteem, your most obedient, humble servant,

R. R. LIVINGSTON.

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Morris to the Governors of the States.\*

OFFICE OF FINANCE, June 5, 1783.

SIR: Congress having directed a very considerable part of the army to be sent home on furlough, I am pressed exceedingly to make a payment of three months' wages, and I am very desirous to accomplish it; but the want of money compels me to an anticipation on the taxes by making this payment in notes. To render this mode tolerably just or useful, the notes must be punctually discharged when they fall due, and my dependence must be on the money to be received of the several States on the requisitions for the last and present year. I hope the urgency of the case will produce the desired exertions, and finally enable me to preserve the credit and honor of the Federal Government.

I have the honor to be, &c.,

ROBERT MORRIS.

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Dumas to the States-General.†

THE HAGUE, June 5, 1783.

The undersigned, *chargé d'affaires* of the United States of America, has the honor to inform their high mightinesses that in the absence of the minister plenipotentiary, for reasons known to their high mightinesses, he has intrusted to him the honor of laying before them the treaty and convention concluded between the two Republics on the 7th of October last, and since ratified by the United States in Congress assembled; and also of receiving in exchange the ratifications of their high mightinesses.

The undersigned congratulates himself on being permitted to discharge a duty so congenial to his zeal for the United States, to his respect for their high mightinesses, and to his attachment to a nation in the bosom of which he has had the pleasure of living for many years.

DUMAS.

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\* MSS. Dep. of State; 6 Sparks' Dip. Rev. Corr., 620.

† MSS. Dep. of State; 5 Sparks' Dip. Rev. Corr., 384.

JUNE 9, 1783.

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By order of Mr. Adams, I sent this note to the secretary, M. Fagel, and a copy to the grand pensionary, Van Bleiswick. M. Fagel has requested several days to allow time for the clerks to prepare the ratification of their high mightinesses, "which," he said to me, "I should communicate with great pleasure to Mr. Adams if he were here, and I shall communicate it to you, sir, with the same pleasure."

DUMAS.

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Dana to Livingston.\*

No. 30.

ST. PETERSBURGH,  
June 6 (May 26, O. S.), 1783.

SIR: In my last I acquainted you that I had been informed I should receive a satisfactory answer to my memorial in the course of that week. None has yet been given. Through the same channel I was yesterday informed that it was intended to give the answer on Monday or Tuesday next. From this delay I am inclined to think they wait to receive an account of the conclusion of the definitive treaty, when all ideas of a mediation will be done away. This is daily expected here. The other objections may be then dropped. It would be thought, perhaps, to be too humiliating to give them all up at once. In this way probably the whole may be compounded. I shall wait patiently in this expectation till we receive that account.

I have the honor to be, &c.,

FRANCIS DANA.

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J. Adams to Livingston.†

PARIS, June 9, 1783.

SIR: The enclosed, No. 121 of the *Politique Hollandais*, having translated a few sentences of mine, and the author intending to insert more, as he has already inserted a good deal of the same correspondence, I think it proper to transmit you a short relation of it.

In 1780, at Paris, a number of pamphlets of Mr. Galloway's were sent me from England. I wrote to a friend an answer to them. He sent it to London to be published. But whether the printers were afraid, or from what other motive, I know not, I heard nothing of them until the spring and summer of 1782, when some of them appeared in print, in Parker's General Advertiser, under the title of "*Letters from a distinguished American*," &c., but with false dates.

There are in those letters so many of the characteristic features of the provisional treaty of the 30th of November, 1782, that the publica-

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\* MSS. Dep. of State; 4 Sparks' Dip. Rev. Corr., 702.

† MSS. Dep. of State; 4 Sparks' Dip. Rev. Corr., 26.

tion of them in England, at the time when they appeared, may be supposed to have contributed, more or less, to propagate such sentiments as the more private circulation of them before had suggested to a few. And as they were written by one of your ministers at the conferences for peace, who repeated and extended the same arguments to the British ministers in the course of the negotiations, it is proper that you should be informed of them. Whether I have in any former letter mentioned this subject or not I do not recollect. If I have, I pray you to excuse the repetition.

I have the honor to be, &c.,

JOHN ADAMS.

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Madison to Jefferson.\*

PHILADELPHIA, *June 10, 1783.*

DEAR SIR: Congress have received two letters from Mr. Laurens, dated London, one on the 15th of March and the other on the 5th of April. In the former he persists in the jealousy expressed in his letter of the 24th of December of the British councils; he says that Shelburne had boasted of his success in gaining the provisional treaty without the concurrence of France, and of the good effects he expected to draw from that advantage. Mr. Laurens' remark was, that, admitting the fact, which he did not, although it might disgrace and prove fatal to the American ministers, it could have no such effects on the United States. His second letter expresses more confidence in the Duke of Portland and Mr. Fox. These ministers have withdrawn the subject of commerce with the United States from Parliament and mean to open negotiations for a treaty with their ministers in Europe. Mr. Fox asked Mr. Laurens whether these had powers for that purpose. His answer was that he believed so; that he had seen a revocation of Mr. Adams commission noticed in the gazettes, but that he considered the paragraph asspurious. From this it would seem that Mr. Adams had never communicated this diminution of his powers to his colleagues. These letters leave us in the suspense they found us as to the definitive treaty. Mr. Laurens thinks that no such event could have been relied on under Shelburne's administration. He was, on the 5th of April, setting out for Paris with Mr. David Hartley, successor to Mr. Oswald, from whence he should proceed to America, unless a definitive treaty was near being concluded. Notwithstanding the daily arrivals from every quarter, we get not a line on the subject from our ministers at Versailles.

Mr. Dumas has enclosed to Congress sundry papers, from which it appears that the Dutch indulge a violent animosity against the French court for abandoning their interests and the liberty of navigation by a premature concluding of the preliminaries. Complaints of this kind

are made through Dumas to Mr. Adams, with inquiries whether the American ministers had powers to concert engagements with the United Provinces, his most Christian majesty, and his Catholic majesty for maintaining the rights asserted by the neutral confederation; or, if the two last decline, with the United Provinces alone. The answer of Mr. Adams is not included, but references to it import that it was satisfactory, and that negotiations were to be opened accordingly. It is certain, notwithstanding, that no powers equal to such a transaction were ever given generally to the ministers; and that as far as they were given they were superseded by the commission to Mr. Dana. This correspondence commenced in January, and is brought down to late in March; and yet no intimation whatever concerning it has been received from the ministers themselves.

Congress have lately sent instructions to the ministers in Europe to contend, in the final treaty, for such amendment of the article relating to British debts as will suspend payment for three years after the war and expressly exclude interest during the war.

Mr Livingston has taken his final leave of the Department of Foreign Affairs. He would have remained, if such an augmentation of his salary had been made as would have secured him against future expense. But besides the disinclination of several members to augment salaries, there was no prospect of a competent number of States for an appropriation of money until he must have lost the option of chancery of New York. No successor has been yet nominated, although the day for a choice has passed. I am utterly at a loss to guess on whom the choice will ultimately fall. Arthur Lee will be started if the defect of a respectable competitor should be likely to force votes upon him.

The general arrangement of the foreign system has been suspended by the thinness of Congress in part, and partly by the desire of further information from Europe. I fear much the delay will be exceedingly protracted. Nothing but final resignations of the ministers abroad and the arrival of foreign ministers here will effectually stimulate Congress into activity and decision on the subject. How far and at what time the first cause will operate is precarious. The second seems less so. Mr. Van Berckel has sent directions for proper provisions for his reception in the next month. A Swedish gentleman, recommended by Dr. Franklin as a philosopher and by the Count de Vergennes as an intended minister, has been here for some time. From the temper of Spain a mission from that court also is not improbable.

The treaty of commerce with Great Britain is another business suspended by the same cause. The assembly have instructed us to reserve to Congress a revisal after it shall have been settled in Europe. This will give force to the doctrine of caution hitherto maintained by us.

Franklin to Livingston.\*

PASSY, June 12, 1783.

SIR: I wrote to you fully by a vessel from Nantes, which I hope will reach you before this. If not, this may inform you that the ratification of the treaty with Sweden has come, and ready to be exchanged when I shall receive that from Congress; that the treaty with Denmark is going on, and will probably be ready before the commission for signing it arrives from Congress. It is on the plan of that proposed by Congress for Sweden.

Portugal has likewise proposed to treat with us, and the ambassador has earnestly urged me to give him a plan for the consideration of his court, which I have accordingly done, and he has forwarded it. The Congress will send commissions and instructions for concluding these treaties to whom they may think proper; it is only upon the old authority, given by a resolution to myself, with Messrs. Deane and Lee, to treat with any European powers, that I have ventured to begin these treaties in consequence of overtures from those crowns.

The definitive treaty with England is not yet concluded, their ministry being unsettled in their minds as to the terms of the commercial part; nor is any other definitive treaty yet completed here, nor even the preliminaries signed of one between England and Holland. It is now five months since we have had a line from you, the last being dated the 13th of January. Of course we know nothing of the reception of the preliminary articles, or the opinion of Congress respecting them. We hoped to receive before this time such instructions as might have been thought proper to be sent to us for rendering more perfect the definitive treaty. We know nothing of what has been approved or disapproved. We are totally in the dark, and therefore less pressing to conclude, being still (as we have long been) in daily expectation of hearing from you. By chance only we learn that Barney is arrived, by whom went the despatches of the commissioners and a considerable sum of money. No acknowledgment of the receipt of that money has yet come to hand, either to me or M. Grand. I make no doubt that both you and Mr. Morris have written, and I cannot imagine what has become of your letters.

With great esteem, &c.,

B. FRANKLIN.

P. S.—I beg leave to recommend to your civilities the bearer of this, Dr. Bancroft, whom you will find a very intelligent, sensible man, well acquainted with the state of affairs here, and who has heretofore been employed in the service of Congress. I have long known him, and esteem him highly.

B. F.

\* MSS. Dep. of State; 2 Sparks' Dip. Rev. C orr., 443; 8 Bigelow's Franklin, 296.



## Congress—Secret Journals.\*

June 12, 1783.

*Resolved*, That every foreign minister, on his being admitted to his first audience, shall be introduced by the Secretary of Foreign Affairs to a seat provided for him facing the President of Congress; the President and members being seated, and the President covered, the minister being uncovered, and so to remain, unless he be of the rank of an ambassador.

The minister, being seated, shall deliver his letter of credence to the secretary of Congress by his own secretary, who shall stand by him during his audience. If the minister chooses to address Congress, he shall rise when he speaks.

The letter of credence being delivered by the secretary of Congress to the interpreter, when such officer shall be necessary, he shall read it in its original language, and then present a translation of it to the secretary of Congress, who shall read the same. Upon which the President, after reading his answer uncovered, shall deliver the same to the secretary of Congress, who shall present it to the minister, who shall rise to receive it.

The minister then shall be reconducted to his carriage by the Secretary of Foreign Affairs.

If the minister is of the rank of ambassador, ordinary or extraordinary, he shall be covered when he takes his seat. In that case, too, the President shall rise when the ambassador is introduced, and also when he reads his answer.

In any subsequent public audience of a foreign minister the same ceremonial shall be observed, except so far as it relates to the delivery and reading of the credentials.

Every foreign minister, after his first audience, shall pay the first visit to the President and other members of Congress.

## Report of a Committee of Congress.†

June 12, 1783.

*By the United States in Congress assembled :*

The committee to whom was referred a report of the Secretary for Foreign Affairs, on a letter of the 20th of March last from M. Dumas, and sundry papers enclosed, report :

That it appears from the said letter and the papers enclosed that propositions have been made on the part of the States-General to the ministers of the United States of America at Paris, in order to render an express stipulation in favor of the freedom of navigation less necessary

\* MSS. Dep. of State.

† MSS. Dep. of State; 5 Sparks' Dip. Rev. Corr., 499.

in the treaty of peace between Great Britain and the United Provinces of the Netherlands, either to accede to the treaty of the armed neutrality already concluded between some powers of Europe, or to enter into similar engagements with France, Spain, and the United Provinces of the Netherlands; or, in case France and Spain should refuse to enter into a convention founded on the principles of the armed neutrality or wish to delay it till after the general peace, to form a separate convention for similar purposes between the United Provinces of the Netherlands and the United States of America. That the answers to these propositions do not appear from the papers transmitted, though there is room to infer from M. Dumas' letter of the fourth and eighteenth of February that the two first of these propositions were encouraged by our ministers, and that the States-General proposed to act in consequence thereof, and had made the last proposition in order to be prepared in case either or both of the two first should fail.

It appears from the report of the Secretary for Foreign Affairs that no powers are at present vested in any person in Europe to agree to any treaty similar to that entered into by Russia, Sweden, Denmark, and the United Provinces of the Netherlands after the peace shall be concluded. The resolution of the 5th of October, 1780, empowers the ministers of these states, if invited thereto, to accede to such regulations conformable to the spirit of the declaration of Russia as may be agreed upon by the congress expected to assemble in pursuance of the invitation of her Imperial majesty. Our ministers received no invitation, and special powers were afterwards given to Mr. Dana, which, in their nature, superseded that resolution. Mr. Dana was, by his commission and instructions, empowered to sign the treaty, or convention, for the protection of commerce in behalf of the United States, either with her Imperial majesty in conjunction with the other neutral powers, or, if that shall be inadmissible, separately with her Imperial majesty, or any of those—that is, those neutral powers. The treaty being only made to continue during the war, his powers terminated with the war, or at most extended only to sign it with the neutral powers and not to form a new separate treaty.

Whereupon Congress came to the following resolution:

Whereas the primary object of the resolution of October 5th, 1780, and of the commission and instructions to Mr. Dana relative to the accession of the United States to the neutral Confederacy no longer can operate, and as the true interest of the States requires that they should be as little as possible entangled in the politics and controversies of European nations, it is inexpedient to renew the said powers, either to Mr. Dana or to the other ministers of these United States in Europe. But inasmuch as the liberal principles on which the said Confederacy was established are conceived to be, in general, favorable to the interests of nations, and particularly to those of the United States, and ought, in that view, to be promoted by the latter as far as will consist *with their fundamental policy*,

JUNE 14, 1783.

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*Resolved*, That the ministers plenipotentiary of these United States for negotiating a peace be, and they are hereby, instructed, in case they should comprise in the definitive treaty any stipulations amounting to a recognition of the rights of neutral nations, to avoid accompanying them by any engagements which shall oblige the contracting parties to support those stipulations by arms.

ELIAS BOUDINOT,  
*President.*

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De Stael, Ambassador from Sweden, to Franklin.\*

[Translation.]

PARIS, June 13, 1783.

SIR: I have just received his majesty's ratification of the treaty of commerce concluded with the United States, which I will have the honor to send you as soon as it can be exchanged for the one from Congress.

Permit me, sir, on this occasion to repeat the request which the ambassador has made you respecting Mr. Franklin, your grandson. He had the honor to tell you that it would afford the King a pleasure to have a person residing with him in the capacity of the minister of Congress who bears your name in conjunction with such estimable qualifications as young Mr. Franklin possesses. He charged me before he departed to repeat to you the same assurances, and you will allow me to add, on my part, my best wishes for the success of this matter.

I have the honor to be, &c.,

LE BARON DE STAEL.

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Hartley to the Peace Commissioners.†

PARIS, June 14, 1783.

GENTLEMEN: Permit me to address the enclosed memorial to your excellencies, and to explain to you my reason for so doing.

It is because many consequences, now at a great distance and unforeseen by us, may arise between our two countries, perhaps from very minute and incidental transactions, which in their beginnings may be imperceptible and unsuspected as to their future effects. Our respective territories are in vicinity, and, therefore, we must be inseparable. Great Britain, with the British power in America, is the only nation with whom, by absolute necessity, you must have the most intimate concerns, either of friendship or hostility. All other nations are three thousand miles distant from you. You may have political connexions

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\* 2 Sparks' Dip. Rev. Corr., 444.

† MSS. Dep. of State; 5 Sparks' Dip. Rev. Corr., 501, with verbal changes,

with any of these distant nations, but with regard to Great Britain it *must* be so. Political intercourse and interests will obtrude themselves between our two countries, because they are the two great powers dividing the continent of North America. These matters are not to come into discussion between us now. They are of too much importance either to be involved or even glanced at in any present transaction.

Let every eventual principle be kept untouched until the two nations shall have recovered from the animosities of the war. Let them have a pacific interval to consider deliberately of their mutual and combined interests, and of their engagements with other nations. Let us not, at the outset of a temporary convention, adopt the severe principle of reducing every transaction between the two nations to the footing of exact reciprocity alone. Such a principle would cast a gloom upon conciliatory prospects. America is not restrained from any conciliation with Great Britain by any treaty with any other power. The principles of conciliation would be most desirable between Great Britain and America; and forbearance is the road to conciliation. After a war of animosities, time should be allowed for recollection. There are all reasonable appearances of conciliatory dispositions on all sides, which may be perfected in time. Let us not, therefore, at such a moment as this, and without the most urgent necessity, establish a morose principle between us; if it were a decided point against amity and conciliation, it would be time enough to talk of partition and strict reciprocity. To presume in favor of conciliation may help it forward; to presume against it, may destroy that conciliation which might otherwise have taken place.

But, in the present case, there is more than reason to presume conciliation. I think myself happy that I have it in my power to assure you, from authority, that it is the fundamental principle of the British councils to establish amity and confidence between Great Britain and the American States, as a succedaneum for the relation in which they formerly stood one to the other. The proof of this consists, not in words, but in substantial facts. His Britannic majesty has been graciously pleased to send orders to his commanders in North America for speedy and complete evacuation of all the territories of the United States. His majesty has given orders in council, on the 14th of the last month, for the admission of American ships and cargoes into Great Britain; and on the 6th instant, he has given farther orders, permitting the importation from America of several articles which have been usually considered as manufactures. He has, likewise, provided for the convenience of American merchants who may wish to land tobacco in Great Britain for reëxportation. Upon the same principle, Mr. Fox, the secretary of state, corresponding with America, has moved for, and received the liberty of the House of Commons (*nem. con.*) to bring in a bill, that any American merchants, importing rice into Great Bri-

tain, may, upon re-exportation, draw back the whole duty paid on its first importation. All these circumstances put together undoubtedly form the most indisputable evidence of the disposition which prevails in the British councils to give every facility to the reëstablishment of that intercourse which must be so beneficial to both nations.

I am ordered to inform you that his majesty entirely approves of the plan of making a temporary convention for the purpose of restoring immediate intercourse and commerce, and more particularly for the purpose of putting off for a time the decision of that important question, how far the British acts of navigation ought to be sacrificed to commercial considerations, drawn from the peculiar circumstances of the present crisis; a question which will require much deliberation and very much inquiry before it can be determined. I am sure, gentlemen, you will see and admit the reasonableness of our proceeding in such a case with deliberation and discretion; more especially when these acts of prudence do not proceed from any motives of coolness or reserve towards you. In the mean time the temporary convention may proceed upon principles of real and accommodating reciprocity. For instance, we agree to put you upon a more favorable footing than any other nation. We do not ask a rigid reciprocity for this, because we know by your present subsisting treaties it is not in your power to give it to us. We desire only to be put upon the footing of other nations with you, and yet we consent that you shall be upon a better footing with us than any other nation.

Thus far we must be allowed to be giving something more than reciprocity, and this we do, as I said before, because we are unwilling to ask what you are unable to give. Surely, it is not unreasonable, nor more than from principles of reciprocity we have a right to expect that you should imitate our conduct in this particular, and that you should abstain from asking things under the title of exact and literal reciprocity, which, you must know, upon the consideration of our case, that we are unable to give. Virtual and substantial reciprocity we are willing to give; literal reciprocity is impossible, as much from your engagements as from our system of navigation.

If we can agree upon an article of intercourse and commerce, in the nature of a temporary convention, on the basis of the memorial which I had the honor of giving lately to you, bearing date 19th of May, 1783, no time need be lost in finishing this business; but with this explanation, that although it is proposed that the commerce between the United States and the British West Indies should be free with regard to their respective productions, yet, that we are not bound to admit the importation of West India commodities into Great Britain in American vessels. Believe me, gentlemen, that this restriction does not proceed from any invidious disposition towards the American States. It is imposed upon the British ministers by indispensable prudence and necessity, who, in the present state of things, could not be justified to their

own country, to go hastily to such an extent of concession. This point is not to be looked upon merely as commercial, but as affecting fundamentally the great political system of British navigation; and you are to consider that the principle upon which the whole of our proposed temporary convention is to stand is, that the *commerce* between the two countries is to be revived nearly upon the old footing; but that each nation is to keep in its own hands the power of making such regulations respecting *navigation* as shall seem fit. I assure you that this point has been discussed by the ministers of the British cabinet with infinite candor, and with every possible disposition of amity and favor towards your country; but the more they have inquired upon this subject the more they are overborne by conviction that the prejudices upon this matter (if that be the name these opinions deserve) are so strong, that such a measure as a relaxation of the act of navigation in this instance never can be taken but upon such a full and solemn parliamentary inquiry as it is impossible to go into at this time of the year, and in this stage of the session. I can not, therefore, gentlemen, help flattering myself that you who are so well acquainted with difficulties which must embarrass an English administration in a business of this sort, will endeavor rather to remove them than to increase them; and I am sure that such a plan on your part would ultimately be more conducive to your own objects. When an amicable intercourse is once opened, and when conciliatory confidence comes to take place of those jealousies which have lately subsisted, you may easily conceive in how different a manner the whole of this matter will be considered. I am confident that this will be case, but if it is not, the provisions being only temporary, it will be in the power of the United States to take up any hostile mode of proceeding by restraints and prohibitions, &c., whenever they may think fit.

I have made use above of the word *prejudices* in speaking of the principles of the British act of navigation. I hope you will accept that term from me, as proceeding so far in compliance towards the future consideration of the points now between us as to keep the question open and free for discussion. If Great Britain should, in any case, throw down the barriers of her act of navigation towards America, she should be very secure against the possible case of future enmity or alliance against her. Such considerations as these lead to objects far beyond our present scope or powers. But I must still add one word more upon this article of *prejudices*. Such prejudices (if they are so) are not confined to Great Britain. By your commercial treaty with France, article fourth, you are only entitled to an European trade with that kingdom, and not, even by that treaty, to any direct commerce between their West India Islands and the ports of the American States, much less to the immediate communication between the French islands and the dominions of the crown of France in Europe.\* Every public

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\*The original manuscript in the Department of State closes at this point. The rest is probably taken from a copy, which supplies the gap.

proceeding in England, since the commencement of our present negotiation for opening the intercourse and commerce between our two countries, will, I am sure, support me in saying that we have very liberally taken the lead; that we have not waited for any assurance of reciprocity, but have given orders for almost a universal admission of American articles before we even know that any vessel from Great Britain will find admission into any American ports. What do we ask in return? No more than this: That while we, gratuitously and without stipulation, give advantages and favors to the American States, which we deny to all other nations, they would so far justify our liberal way of proceeding as to receive us in the same manner as other nations which are foreign, and to permit us to carry to North America what it is evidently for their interest that we should carry thither.

I need hardly add that it is of infinite importance that some temporary convention should be finished without loss of time. I hope and trust that we shall not find much more difficulty in this business. You must see the advantage of an immediate renewal of intercourse, and from the candor of your dispositions I am sure you must likewise be convinced that to give us some facility in the outset is the sure road to such an equitable arrangement for the future as you must have at heart. The reasons which I have given in the memorial appear to me to be cogent and convincing upon the natural alliance between our two countries; and when the intercourse has once begun everything will go in its natural road. It is therefore of infinite consequence to begin that intercourse. Great Britain, by all public proceedings of repeals, proclamations, &c., &c., has made the first advances with warmth and confidence, and therefore I conclude with the fullest assurance that you will meet those advances with cordial reciprocity.

I have the honor to be, &c.,

D. HARTLEY.

Livingston to the President of Congress.\*

VALLEY LEBANON, *June 14, 1783.*

I fear, sir, that I have been guilty of an unpardonable omission in having made no acknowledgments to Congress for their polite resolution of the 2d instant.

If so I must pray your excellency to make my apology, which was simply this: Resolutions of this kind having been sometimes transmitted by the President, I supposed this agreeable to the customary forms, and delayed replying in the hope of receiving these through your excellency, without reflecting that the access I have to the papers of Congress rendered this in my particular case unnecessary, but (as I knew them officially) still left me the right to express my gratitude. I

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\* MSS. Dep. of State.

avail myself, therefore, of this privilege and beg leave, sir, through your excellency to assure Congress of the grateful sense I entertain of the honor they have done me, and of the obligation their approbation has imposed upon me, if any future occasion should offer to merit it by my attention to their interests. I intended when I began this letter to have requested your excellency to remind Congress at some favorable opportunity of the state of my accounts, &c. But finding myself so much overpaid in honor by this vote, I am almost ashamed to say anything on the subject of profit. I flatter myself, however, that my silence on this head will not be construed into such a relinquishment of the charge, as might imply a wish to lessen the obligations I owe to Congress, or discredit the honor they have done me by appearing to purchase what I feel to be beyond all price.

I have the honor to be, with the highest respect and esteem, your excellency's most obedient humble servant,

R. R. LIVINGSTON.

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J. Adams to Livingston.\*

PARIS, *June 16, 1783.*

SIR: Yesterday afternoon the duplicate of your letter of the 14th of April, No. 16, was brought in to me, with the post-mark "Brest" upon it. As soon as I had read it I went out to Passy, in hopes that other despatches had arrived there, but I found none. While I was there a packet of newspapers addressed to us all was brought in with the post-mark of Brest on it. I still hope and believe that other despatches by the same conveyance will appear in a few days, but whether they are still in the post-office or whether the Duc de Lauzun intends to bring them in person is uncertain.

I think, sir, there is no room to doubt the justice of your opinion that the latitude of the Canaries is meant, and consequently that hostilities ceased on the whole coast of the United States on the 3d of March.

I am well aware that a variety of questions may be started upon the provisional articles. The great points of sovereignty, limits, and fisheries are sufficiently clear; but there are too many other things in much obscurity. No one of us alone would ever have put his hand to such a writing. Yet there is no one to blame. It must be confessed that it was done in haste, but that haste was inevitable. The peace depended absolutely upon the critical moment when that treaty was signed. The meeting of Parliament was so near, and the state of the ministry so critical, that if that opportunity had been lost there would have been at least another campaign. There were never less than three of us, and there were finally no less than three to be consulted on the other side. These inaccuracies are much to be lamented, but they were

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\* MSS. Dep. of State; 4 Sparks' Dip. Rev. Corr., 27, with verbal changes; 8 J. Adams' Works, 70.



Quite unavoidable. We shall endeavor to explain them in the definitive treaty, but I fear without success.

I hope, sir, you will excuse me if I think your expressions fall short of the real merit of the Dutch. If they had accepted the Russian mediation for a separate peace we should have seen a very formidable difference. The vast weight of the Dutch in the East Indies being added to that of France has influenced the minds of the natives in such a manner as to turn the scale against England. The Cape of Good Hope was of vast importance and was indispensable to France, and we are not yet informed what proportion of the expense of French operations in the East Indies is to be borne by the Dutch East India Company, at whose solicitations, by their agents sent early to Versailles, they were undertaken. From twelve to fifteen British ships of the line, in the best condition, with the best officers and men, have been kept almost constantly in the North seas to watch the Dutch; a momentous diversion, which made the balance more clear in favor of the allies in the East and West Indies, as well as in the channel; and it may be added, and that with strict truth, the battle of Doggerbank imprinted more terror on the imaginations of the British navy and nation than all the other sea engagements of the war.

Your observations of their unfortunate situation are, however, very just, and their exertions have not been such as they might and ought to have been. But this was the fault of the enemies of France in Holland, not of their friends, and, unhappily, those enemies are to be gratified by the terms of peace prescribed to that power and those friends mortified. And this misfortune probably arises from the instructions in question, by which they made themselves of no importance, instead of acting the part of a sovereign, independent, and respectable power. If they had held their own negotiations in their own hands they would probably have obtained better terms. I could mention many facts and anecdotes of much importance, but these have been communicated to me in confidence, and as this is a discussion that concerns us only indirectly, and as our instructions were parallel to theirs, although the execution of them was different and the event different, I shall waive any further observations upon the subject.

We are happy to learn that Congress have ratified the treaty, imperfect as it is, and that each side has released its prisoners. Mr. Hartley communicated to us officially two days ago that orders were gone to New York to evacuate the United States.

Dr. Franklin has never made any use of the bills for my salary, and I have never received any part of them. I shall easily settle that matter when I get home, which your letter encourages me to hope will be very soon. The connexions I have formed in Holland may be of use to the public, wherever I may be, in America or elsewhere, as well as even in that country itself. Those connexions will readily become those of

any minister Congress may send there. It cost me all my happiness and had very nearly cost me my life, to form them. It cost me more. It has left me in an ill state of health, which I never shall fully repair. I shall carry Holland in my veins to my grave. It will cost no man anything to go there now. His mind will be at ease, and he will have spirits necessary to take care to preserve his health. To me it has become physically necessary, as well as a moral and religious duty, to join my family. This can be done only by going to them or bringing them to me, and to bring them to Holland is what I cannot think of, both because that, on account of my own health as well as theirs and on other considerations, I should not choose to live among those putrid lakes, and because I think I can do my country more and better service at home than there.

I will not disguise another motive which would be altogether insurmountable if it were alone. I do not think it consistent with the honor of the United States any more than with my own for me to stay in Holland after the appointment of any other minister whatsoever to the mission upon which I came to Europe, and which has been taken from me without assigning any reason. Congress are the sovereign judges for themselves and the public of the persons proper for all services, excepting that every citizen is a sovereign judge for himself. I have never adopted the principle that it is a citizen's duty to accept of any trust that is pointed out to him unless he approves of it. On the contrary, I think it a right and a duty that no law of society can take away for every man to judge for himself whether he can serve consistently with his own honor and the honor and interest of the public.

When the existence of our country and her essential interests were at stake it was a duty to run all risks, to stifle every feeling, to sacrifice every interest, and this duty I have discharged with patience and perseverance, and with a success that can be attributed only to Providence. But in time of peace, the public in less danger abroad than at home, knowing I can do more good at home, I should do a very wrong thing to remove my family to stay in Holland merely for the sake of holding an honorable commission, making and receiving bows and compliments and eating splendid suppers at court.

There is one piece of advice I beg leave to offer to the minister who may go to Holland respecting a future loan of money. It is to inquire whether the house of Hope would undertake a loan for us, either in conjunction with the houses who have the present one, or with any of them, or alone. In my private opinion, which ought to be kept as secret as possible, we might obtain a large loan in that way, and that we cannot in any other. The people in that interest have the money. I am not personally known to that house nor any one of them to me, but I know they are all-powerful in money matters, and I believe they would engage.

The happy turn given to the discontents of the army by the General is consistent with his character, which, as you observe, is above all

praise, as every character is whose rule and object are duty, not interest nor glory, which I think has been strictly true with the General from the beginning, and I trust will continue to the end. May he long live and enjoy his reflections and the confidence and affections of a free, grateful, and virtuous people.

I have the honor to be, &c.,

JOHN ADAMS.

Boudinot, President of Congress, to the Peace Commissioners.\*

PHILADELPHIA, *June 16, 1783.*

GENTLEMEN: I am sorry to inform you that, by the resignation of Mr. Livingston as Minister for Foreign Affairs, it has become necessary that you should receive the resolutions of Congress relative to your mission through my hands. The disadvantage arising from this necessity, until a successor to that worthy gentleman is appointed, will be yours, as it is impossible for me to do more than barely to transmit the acts of Congress necessary for your information.

Enclosed you have one of the 1st of May last, and another of the 12th instant, which I hope will get safe to hand time enough for your government. The commission and instructions referred to in the first not being ready, it was thought best to forward the resolution without delay, that you might know what was intended in the present important period of your negotiation. We have been much surprised that we have not received any communications from you since the cessation of hostilities, except a letter of the 5th of April from Mr. Laurens.

I have the honor to be, &c.,

ELIAS BOUDINOT,  
*President.*

Laurens to Livingston.†

LONDON, *June 17, 1783.*

SIR: My last address is dated London, 10th of April, forwarded by the hands of Mr. Darby, copy of the same with a postscript on the 16th, conveyed from Paris by Doctor Franklin. Permit me to refer to the several contents, and also to a despatch of the 6th of that month, by Mr. Hodge, duplicate by Mr. Darby, triplicate from Paris.

In order to meet the question of Mr. Secretary Fox, "Whether the American ministers were authorized and disposed to open an intercourse and commerce upon terms of reciprocity without delay," the min-

\* 5 Sparks' Dip. Rev. Corr., 511.

† MSS. Dep. of State; 1 Sparks' Dip. Rev. Corr., 741, with verbal changes.

isters of the United States, on the 29th of April, proposed to Mr. Hartley the enclosed articles, marked A,\* which they were ready to confirm. Mr. Hartney signified his approbation, but could not agree without consulting his court. Indeed, he had omitted to take with him his commission and full powers. A messenger was despatched to London, and upwards of three weeks were wasted in waiting for a return. The articles were not acceptable.

On the 21st of May, Mr. Hartley on his part laid before us the enclosed article, marked B,† and left it for our consideration. We judged it necessary, without intimating our own sentiments, to demand from him in writing whether he was authorized to confirm his proposition? To save writing, Mr. Hartley returned a verbal answer in the negative, and again despatched a messenger. In a word, it appeared that his full powers, which he had then received, authorized him to do nothing. I had in vain waited for the result of the second consultation to the 7th instant, when at the request of my colleagues, founded upon a suggestion of my own, I proceeded to this city on special business, for easing if practicable the weight of public bills lately drawn upon Mr. Grand, which probably the gentlemen at Paris will more fully explain.

I can say nothing yet of my hopes of success. My apprehensions of danger in committing the United States in the present moment of uncertainty deters me from acting as I might have done had our treaties been concluded, or had I a prospect of their being soon brought to good effect. Those assurances, which I had the honor of communicating in my former letters, seem to have undergone a wonderful refinement. Reciprocity appears now to mean enjoyment on one side and restrictions on the other. This change may have been wrought by the sudden and unexpected arrival of divers ships and cargoes from different ports in the United States. The British minister at Paris candidly assured me that he was of this opinion.

In a conference with Mr. Secretary Fox, on the 14th instant, he informed me that positive orders for the removal of the British troops from New York were actually despatched; that he had transmitted an answer to Mr. Hartley's last consultation, and at the same time intimated, upon a question from me, that in his opinion I might have time enough for taking some days' benefit of Bath, which my enfeebled limbs call loudly for. Hence I infer that the last instructions to Mr. Hartley are either calculated for gaining further time, or are such as the American ministers can not accede to; and I conclude that my absence from Paris, whether I make any attempts in the particular business of my journey hither or not, will prove no inconvenience to my colleagues. I intend, therefore, to go to Bath in two or three days, and while I am endeavoring to recover my health, the interests of my country shall be my principal study; at the same time I flatter myself with hopes of

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\* Given *supra* under April 29, 1783.

† Given *supra* under May 21, 1783.

receiving from Congress the formal permission which I have solicited to return to America.

I have the honor to be, &c.,

HENRY LAURENS.

P. S.—Besides the papers A and B, you will find enclosed a copy of an order in council of the 14th of May, 1783, and Mr. Hartley's observations on his propositions of the 21st of May.

JUNE 18.

P. S.—I have just received an intimation of the tottering state of the present ministry, from their own quarter. Should the late premier recover the reins, which were plucked out of his hands, I apprehend everything in his power will be attempted to embarrass our proceeding.

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Laurens to the Peace Commissioners.\*

LONDON, *June 17, 1783.*

GENTLEMEN: I had the honor of addressing you on the 10th, immediately after my landing at Dover. As early as possible after my arrival here I obtained an interview with Mr. Secretary Fox, who was pleased to read to me part of his latest despatches to Mr. Hartley, which he supposed would reach Paris on the 14th. It is probable, therefore, that before this time as much of the contents as is proper for your knowledge has been communicated.

"Reciprocity," since the 10th of April, has undergone a certain degree of refinement. The definition of that term appears now to be possession of advantages on one side and restrictions on the other. "The navigation act is the vital of Great Britain, too delicate to bear a touch." The sudden and unexpected, perhaps illicit, arrival of ships and cargoes from America may have caused this change of tone. But you have heard in detail, and are more competent to judge.

From a desire of forming an opinion, I asked Mr. Fox whether he thought I might venture for a few days to take the benefit of Bath, and yet be in time enough at Paris for the intended commercial agreement? He replied, "I rather think you may." One need not be a conjurer to draw an inference; you will either have finished the business before I could travel to Paris, or without being missed there I may go to Bath and repair my nerves.

In this state of uncertainty, when it is easy to perceive affections are not as we could wish them, nor quite so warm as we had been taught to believe, it would not be wise to commit the United States; wherefore I shall rest the business till I hear from you, or until a more favor-

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\* 5 Sparks' Dip. Rev. Corr., 511.

able prospect, flattering myself with hopes of your surmounting the late seeming difficulties. An inconvenience on your side is preferable to the hazard of a disgrace.

I am, with great regard and respect, &c.,

HENRY LAURENS.

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Dana to Livingston.\*

No. 31.

ST. PETERSBURGH,

June 17 (*June 6, O. S.*), 1783.

SIR: Although we have not received any account of the conclusion of the definitive treaty under the mediation of their Imperial majesties, I have the satisfaction to acquaint you that our affairs have taken the turn which I supposed in my last they might do. This is the utmost effect I could ever expect from my memorial, for the reason mentioned in that letter. On Saturday morning I received a note from the vice-chancellor, of which the following is a copy:

[Translation.]

Count Ostermann begs Mr. Dana to do him the favor to call on him to-day at 1 o'clock, taking this occasion to assure him, with great pleasure, of his perfect esteem.

SATURDAY, June 14 (*June 8*).

Having waited upon him accordingly, he entered into a conversation tending to explain away the principal parts of his first answer. He said, however, that he did not intend that as the answer to my memorial, this being included wholly in the note which he would read to me, and that I might take a copy of it to prevent any mistakes, which is as follows:

[Translation.]

I have not failed, sir, to place under the eyes of the Empress, my sovereign, the letters which you addressed to me on the 8th and 10th of April (27-29), accompanied with a memorial and a supplement to that memorial.

Their contents proving that you have taken in a wrong sense what I had the honor of saying to you previously respecting the overture which you made to me relative to the honorable commission with which you are charged, I have renewed to you the expression of satisfaction with which the Empress has accepted the mark of attention which your constituents have shown in sending to her a person expressly clothed in a public character, and that she will receive him with pleasure in that quality as soon as the definitive treaties, which are now on the eve of being concluded between the powers who have been at war, shall be consummated. Her delicacy has been a law to her not to make any advance before that time which should be considered inconsistent with those principles which have characterized her strict impartiality during the course of the late war. In other respects the Empress designs that you shall enjoy, not only in your own person, but also your countrymen who shall visit her empire either on commercial or other affairs, the most favorable reception and the protection of the laws of nations.

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\* MSS. Dep. of State; 4 Sparks' Dip. Rev. Corr., 703.

As to what I said to you, sir, concerning the date of your letters of credence, there has been no occasion for any question respecting the consequences you have drawn from it. The conduct which the Empress has held during the whole course of the war sufficiently proves the impartiality of her sentiments, renders all discussion on this subject unnecessary, and ought to be perfectly satisfactory to you.

To which I returned the following answer :

His excellency Count OSTERMANN :

I have considered the answer to my memorial which your excellency gave to me, on the part of her Imperial majesty, on the 3d instant, as contained in the written note of which you permitted me to take a copy. Knowing the high sense the United States of America have of that strict impartiality between all the late belligerent powers which her Imperial majesty has so evidently manifested during the course of the war, and that they would not wish any proposition should be made on their part which she might possibly think in the least degree repugnant to it, I omitted to make the communication of my mission to your excellency till the conclusion of the preliminary treaty between the courts of Versailles, Madrid, and London had been in form communicated to her Imperial majesty. It is to be observed that at the time I made it the mediation had not taken place, the despatches relative to it, if I am not mistaken, having arrived here three days after. The other matters being waived, I shall conform with the utmost satisfaction to her Imperial majesty's manner of thinking respecting the present mediation and wait the conclusion of the definitive treaty of peace. I have a most grateful sense of the assurances which her Imperial majesty has been pleased to give to me that, in the mean time, not only myself, but such of the citizens of the United States as affairs of commerce or others may bring into her empire, shall enjoy the most favorable reception and the protection of the laws of nations.

I pray your excellency to accept my sincere acknowledgments of the polite manner in which you communicated the answer to my memorial.

I have the honor to be, &c.,

FRANCIS DANA.

ST. PETERSBURGH, *June 16, 1783.*

You will not suppose from anything contained in the answer to my memorial, that I had misstated any part of the first answer. Whether my reasoning upon the several parts of it is just or not, you are best able to determine. If I have drawn consequences from it that are not true, as the reply supposes, it has at least had the effect to remove every obstacle except that of the mediation, which a very short time will probably put an end to, and also to draw forth an express assurance of the most favorable reception of the citizens of the United States, of a liberty freely to carry on their commerce with this empire, and under the protection of the laws of nations. If this is not in effect giving up every objection, so far as they have any pretence to be grounded upon established principles, I am greatly mistaken in the matter. Considering it in this light, I have made no difficulty to declare that I should conform, with the utmost satisfaction, to her Imperial majesty's sentiments respecting the mediation. Thus, I flatter myself, all discussion of every kind, especially of matters of so much delicacy, is at an end. I am much deceived if what has taken place will be of the least disadvantage to our interests. I am happy to add that I found the vice-

chancellor in an exceeding good disposition, and have every reason to expect that all will go on in future in the most perfect harmony.

You will observe mention is made in the written answer of a letter of the 29th of April (May 10), and of a supplement to the memorial. This is nothing more than to introduce a paragraph which I had omitted to insert in the copy sent to the vice-chancellor. You have it in the second and third copies which I sent to you, but not in the first.

Her majesty will set off in a few days for Fredericksham, a town in Finland, near the frontiers of her empire, to meet the King of Sweden. The object of their meeting is supposed to be to insure tranquillity on that side, while the war may be prosecuted on the other against the Turks. The information respecting the Crimea, which I communicated in No. 39, is not yet beyond all question. If it has not already become a fact, there is little room to doubt but it will in the course of a short time. Protection and subjugation are not far separated in such cases. Besides, it forms so capital a part of the present ruling system, that no means will be neglected to effect it as early as possible.

The duplicate of your letter No. 8, of the 17th of December, was brought me by the last post: the first copy has not come to hand, and the enclosures sent with that, you say in a postscript, are omitted in this for want of time. They are, however, become useless by the great change of peace. It is not the trouble, but the danger of meddling too particularly with the subjects you speak of, that has hitherto prevented my going further into them. You will be pleased to recollect, as I have mentioned before, that I have no cipher from you but what has come to me through this office, and that the duplicate of it did not accompany the duplicate letter which was said to enclose it. I am not without my apprehensions that it was taken out of your letter here. I have never received any other cipher than the first from you, though it seems, by your letters, that you had sent me both a written and a printed one since. I sent you one by Mr. Adams' son, who left me last October, but instead of being two months, as I expected at furthest, upon his route to Holland, he has been near six, so that you have not probably received that.

If you will be pleased to turn to my letter No. 2 of the 30th of March, and to read that *single* sentence in it, which begins with the words "There has lately been a lively sensation," &c., you will find the great object which has constantly engaged the attention of this court. It is the pole-star of their system, and everything else has been subject to its influence. Nothing has been adopted but with a view to facilitate the execution of that project. The policy mentioned in the last paragraph of my letter No. 9 of October 14 sent by Mr. Adams had no other object in view. You will instantly perceive the reason why I have supposed they would have been well pleased with the events there pointed out. You will see, of course, that the different turn those affairs



have taken can not be very agreeable here, and how they may, and in fact do, obstruct the great project in this moment. Sir, I have been very unwell for four days past, and am at this instant so feeble that I can add nothing more than that I am, with much respect, &c.,

FRANCIS DANA.

Boudinot, President of Congress, to Franklin.\*

PHILADELPHIA, *June 18, 1783.*

SIR: Enclosed you have an official letter, directed to our minister plenipotentiary at Paris.

The resignation of the late Secretary for Foreign Affairs (occasioned by his preference of the chancellorship of New York, which he could not hold longer and retain his secretaryship) has cast this business on me till a successor is elected, which I hope will speedily take place.

As part of the resolution of Congress of the 12th instant, enclosed in the above letter, is of a secret nature, I have wrote it in cipher; and not having Mr. Livingston's, I thought it best to use Mr. Morris' to you, which he has obligingly supplied me with, so that the commissioners must be indebted to you for the deciphering of it.

Your letter to Mr. Livingston, of the 15th of April, enclosing the two medals, came to hand this morning.

I am sorry to find that you make similar complaints to those we have been making for two months past, on the subject of want of intelligence. We have not heard from any of our commissioners since February, though our anxiety and expectations have been wound up to the highest pitch.

I feel myself much indebted for your polite compliment of the medal. It is very elegant indeed; and the device and workmanship much admired. You will please to accept my acknowledgments on this occasion. As I doubt not but the copperone was designed for Mr. Livingston, personally, I shall transmit it to him. He is a very worthy, deserving character, and the United States will suffer greatly by his resignation, though I really think him justified in attending to the calls of his private affairs.

I enclose you a number of late newspapers, in which you will see a number of resolves, associations, &c., from all parts of the country, which I wish had been kept out of sight; but the truth is, that the cruelties, ravages, and barbarisms of many of the refugees and loyalists have left the people so sore that it is not the time for them yet to exercise their cooler judgment; and it can not take place while the citizens of New York are kept out of their habitations and despoiled daily of their property by sending off negroes, &c. It has been an ill-judged

\* MSS. Dep. of State; 5 Sparks' Dip. Rev. Corr., 512; with many changes.

scheme in the British to retain New York so long and send off the negroes, as it has roused the spirit of the citizens of the several States greatly.

I have the honor to be, &c.,

E. B.

Fagel to Dumas.\*

THE HAGUE, *June 19, 1783.*

SIR: Our ratification can not be ready until next Monday. If you will call on me at court on Monday morning at one o'clock I shall be able to exchange the ratifications with you.

I am, &c.,

H. FAGEL.

Laurens to the Peace Commissioners.†

LONDON, *June 20, 1783.*

GENTLEMEN: Permit me to refer to what I had the honor of writing to you the 17th. You will recollect my suggestions, as soon as we perceived the falling off from those warm assurances, which had been pressed in March and April. They were not ill founded. I delayed a week in hopes of intelligence, and left you with reluctance; the temper of the times forbids even an essay.

What a happy country is this, where everything pertaining to the public is rendered to them in public newspapers. See the enclosed, containing nearly as accurate an account of certain recent occurrences as if it had been penned by one of the parties. It might indeed have been made a little stronger. Modest men are sometimes restrained from attempting a public good from a dread of the effects of envy, of being held up in an invidious light. It would be cruel to disturb them.

I have heard nothing from America, save what you may have read in the prints. To-morrow I shall proceed to Bath, and be waiting for intelligence, as well from yourselves as from Congress. Some consolation arises from reflecting that while I am endeavoring to mend my health you suffer no inconvenience from my absence.

With sincere regard and respect,

HENRY LAURENS.

Dumas to Livingston.\*

THE HAGUE, *June 20, 1783.*

SIR: Yesterday I received a note from the secretary of their high mightinesses, of which I annex a copy. I shall, therefore, receive the act there mentioned next Monday, and shall keep it until I can transmit it to Mr. Adams, according to his orders.

\* MSS. Dep. of State; 5 Sparks' Dip. Rev. Corr., 385.

† MSS. Dep. of State; 5 Sparks' Dip. Rev. Corr., 513.

The city of Gorcum has followed by a large majority the example of Dort, Schoonhoven, Rotterdam, Schiedam, and Alcmaer, by a resolution abolishing the influence of the Prince on the nominations to vacant places; there is nothing left him but the right which the constitution secures to him of choosing among several persons nominated. This week their noble and grand mightinesses will deliberate on the abolition of the venality of military offices. This contradicts the notion which it was attempted to inculcate that the ardor for reform would relax at the end of the war.

I am, &c.,

DUMAS.

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Rohan, Grand Master of Malta, to Franklin.\*

[Translation.]

MALTA, *June 21, 1783.*

SIR: I received with the most lively sensibility the medal which your excellency sent me, and the value I set upon this acquisition leaves my gratitude unbounded. This monument of American liberty has a distinguished place in my cabinet.

Whenever chance or commerce shall lead any of your fellow-citizens or their vessels into the ports of my island I shall receive them with the greatest welcome. They shall experience from me every assistance they may claim, and I shall observe with infinite pleasure any growing connexion between that interesting nation and my subjects, especially if it will tend to convince your excellency of the distinguished sentiments with which I am, sir, &c.,

The Grand Master,

ROHAN.

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J. Adams to Livingston.†

PARIS, *June 23, 1783.*

SIR: The British nation and ministry are in a very unsettled state; they find themselves in a new situation, and have not digested any plan. Ireland is in a new situation; she is independent of Parliament, and the English know not how to manage her. To what an extent she will claim a right of trading with the United States is unknown. Canada, too, and Nova Scotia are in a new situation; the former, they say, must have a new government. But what form to give them, and, indeed, what kind of government they are capable of or would be agreeable to them, is uncertain. Nothing is digested.

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\* 2 Sparks' Dip. Rev. Corr., 445.

† MSS. Dep. of State; 4 Sparks' Dip. Rev. Corr., 31, with verbal changes.

There is a party composed probably of refugees, friends of the old hostile system, and fomented by emissaries of several foreign nations, who do not wish a cordial reconciliation and sincere friendship between Great Britain and the United States, who clamor for the conservation of the navigation act and the carrying trade. If these should succeed so far as to excite Parliament or the ministry to adopt a contracted principle to exclude us from the West India trade and from trading with Canada and Nova Scotia, and from carrying freely in vessels belonging to any one of the thirteen States the production of any other to Great Britain, the consequences may be to perplex us for a time, may bind us closer to France, Spain, Holland, Germany, Italy, and the northern nations, and thus be fatal to Great Britain, without being finally very hurtful to us.

The nations of Europe who have islands in the West Indies have at this moment a delicate part to take. Upon their present decisions great things will depend. The commerce of the West India Islands is a part of the American system of commerce. They can neither do without us, nor we without them. The Creator has placed us upon the globe in such a situation that we have occasion for each other. We have the means of assisting each other, and politicians and artificial contrivances can not separate us. Wise statesmen, like able artists of every kind, study nature, and their works are perfect in proportion as they conform to her laws. Obstinate attempts to prevent the islands and the continent by force or policy from deriving from each other those blessings which nature has enabled them to afford will only put both to thinking of means of coming together, and an injudicious regulation at this time may lay a foundation for intimate combinations between the islands and the continent which otherwise would not be wished for or thought of by either.

If the French, Dutch, and Danes have common sense they will profit of any blunder Great Britain may commit upon this occasion. The ideas of the British cabinet and merchants at present are so confused upon all these subjects, that we can get them to agree to nothing. I still think that the best policy of the United States is to send a minister to London to negotiate a treaty of commerce, instructed to conclude nothing, not the smallest article, until he has sent it to Congress and received their approbation. In the mean time Congress may admit any British or Irish ships that have arrived or may arrive to trade as they please.

For my own part, I confess I would not advise Congress to bind themselves to anything that is not reasonable and just. If we should agree to revive the trade upon the old footing, it is the utmost that can, with a color of justice or modesty, be requested of us. This is not equal, but might be borne. Rather than go further and deny ourselves the freight from the West Indies to Europe, at least to Great Britain

especially, rather than give away our own carrying trade by agreeing that the ships of one State should not carry to Great Britain the produce of another, I would be for entering into still closer connexions with France, Spain, and Holland, and purchase of them, at the expense of Great Britain, what she has not wisdom enough to allow us for her own good.

I have the honor to be, &c.,

JOHN ADAMS.

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J. Adams to Livingston.\*

PARIS, *June 23, 1783.*

SIR: Your favor of the 14th of April, No. 16, acknowledged the receipt of mine of the 21st and the 22d of January, but took no notice of any letters which went by Captain Barney. Neither Dr. Franklin, Mr. Jay, nor myself have any answer to the despatches which went by that express, although yours to me, No. 16, gave cause to expect letters to us all, with instructions concerning the definitive treaty. This profound silence of Congress, and the total darkness in which we are left concerning their sentiments, is very distressing to us and very dangerous and injurious to the public.

I see no prospect of agreeing upon any regulation of commerce here. The present ministry are afraid of every knot of merchants. A clamor of an interested party more than an evil to their country is their dread. A few West India merchants, in opposition to the sense and interest of the West India planters, are endeavoring to excite an opposition to our carrying the produce of the West India Islands from those islands to Europe, even to Great Britain. There are also secret schemes to exclude us, if they can, from the trade of Ireland, to possess themselves of the carrying trade of the United States by prohibiting any American vessel to bring to Great Britain any commodity but those of the State to which it belongs. Thus, a Philadelphia vessel can carry no tobacco, rice, or indigo, nor a Carolina vessel wheat or flour, nor a Boston vessel either, unless grown in its own State. In this way a superficial party think they can possess themselves of the carriage of almost all the productions of the United States, annihilate our navigation and nurseries of seamen, and keep all to themselves more effectually than ever. They talk, too, of discouraging the people of the United States and encouraging those of Canada and Nova Scotia in such a manner as to increase the population of those two provinces even by migrations from the United States. These are dreams, to be sure; but the dreamers are so many as to intimidate the present ministry, who dare venture upon nothing that will make a clamor. I have lately heard that the mer-

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\* MSS. Dep. of State; 4 Sparks' Dip. Rev. Corr., 30, with verbal changes.

chants in America are waiting to hear the regulations of trade made here. They will wait I know not how long. There is no present prospect of our agreeing at all upon any regulations of trade.

I have the honor to be, &c.,

JOHN ADAMS.

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Dumas to Livingston.\*

THE HAGUE, *June 23, 1783.*

SIR: At 1 o'clock this afternoon an exchange of the ratification of the treaty and convention concluded the 7th of October last between the United States and the United Provinces of the Low Countries took place in the business hall between the secretary of their high mightinesses and your servant. I keep these two acts according to the orders of Mr. Adams, to place them in his hands on his return. They are authenticated, according to the usage of this country, with the seal of the Republic, enclosed in two large silver boxes attached to each, on which are engraven the arms of the Union.

M. Van Berckel sets out to-day from Amsterdam for the Texel, and I am in haste to send this by him.

I have only to assure you of, &c.,

DUMAS.

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Dana to Livingston.†

No. 32.

ST. PETERSBURGH,

*June 24 (June 13, O. S.), 1783.*

SIR: In my last I had the honor to transmit to you a copy of the answer which I had received to my memorial, and my reply to it. Things remain in the same state, as we have no news of the conclusion of the definitive treaty of peace under the mediation of their Imperial majesties. This delay is supposed to arise from some difficulties still subsisting between Great Britain and the United Provinces respecting their affairs in the East Indies, and though the latter are not concerned (any more than the United States) in the mediation, yet France will not probably conclude her definitive treaty till Great Britain and the United Provinces have agreed upon their terms. To give time for this was not the least object which France had in view by the present mediation.

Notwithstanding the language of all the gazettes in Europe respecting an adjustment of affairs between the Imperial courts and the Porte being at hand, it is still thought here that the war between the latter

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\* MSS. Dep. of State; 5 Sparks' Dip. Rev. Corr., 385.

† MSS. Dep. of State; 4 Sparks' Dip. Rev. Corr., 726.

and this empire, at least, is inevitable. Should the Emperor take a part in it, we shall see this continent in a flame. The naval reinforcements intended to be sent from hence into the Mediterranean are stopped most certainly on account of an opposition from the quarter mentioned in mine of May 30th. Though in my last, by the references there made, I have pointed out the general object of the war with the Porte on the part of the Imperial courts, yet there are some particulars relative to the Empress of which you are not probably informed. I will give them to you by the first safe opportunity. I shall have one in about a month by Mr. Allen, a merchant of Boston, who arrived here last week, and proposes to return to America about that time. The journey of the Empress into Finland, as mentioned in my last, has been postponed on account of a hurt the King of Sweden received from a fall from his horse; it will take place in a few days.

The flag of the United States is now displayed at Riga upon a ship of five hundred tons, commanded by Captain McNeil, belonging to Massachusetts, who arrived there on the 1st instant from Lisbon, with salt, an article permitted in that port, though prohibited here. This is the only arrival of any American vessel in any part of this empire. She carries out hemp only, it being the only article with which she can be furnished there proper for our markets. This demand comes very seasonably to destroy the allegations of those who had endeavored to promote their particular interests at the expense of ours, and also to support the contrary representation which I had constantly made of our commerce. Cordage may indeed be had at Riga, as well as hemp, but both of them are dearer than in this port. They are, however, of a better quality, but they are seldom exported on private account, as the difference of the price is thought to be too great for that of the quality. The admiralty of England prefers them. I mention these circumstances as they may give some useful information, not only to the admiralty of the United States, but to our private merchants. The one may seek them, the other may avoid them. A vessel owned partly in Ireland and partly by a Mr. Wharton and others, of Philadelphia, I am told, will sail from hence for Philadelphia in about a month. Mr. Allen will take his passage in one of the two above mentioned vessels.

I have the honor to be, &c.,

FRANCIS DANA.

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J. Adams to Livingston.\*

PARIS, June 24, 1783.

SIR: The gazettes of Europe still continue to be employed as the great engines of fraud and imposture to the good people of America. Stockjobbers are not the only people who employ a set of scribblers to invent and publish falsehoods for their own peculiar purposes. British

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\* MSS. Dep. of State; 4 Sparks' Dip. Rev. Corr., 33, with verbal changes.

and French, as well as other politicians, entertain these fabricators of paragraphs, who are stationed about in the various cities of Europe, and take up each other's productions in such a manner that no sooner does a paragraph appear in a French, Dutch, or English paper, but it is immediately seized on and reprinted in all the others; this is not all: in looking over the American newspapers, I observe that nothing is seized on with so much avidity by the American *nouvellists* for republication in their gazettes as these political lies. I can not attribute this merely to the credulity of the printers, who have generally more discernment than to be deceived. But I verily believe there are persons in every State employed to select out these things and get them reprinted.

Sometimes the invention is so simple as really to deceive. Such, I doubt not, will be that of a long series of paragraphs in the English papers, all importing that Mr. Hartley had made a treaty of commerce with us, or was upon the point of concluding one. Nothing is further from the truth. We have not to this hour agreed upon one proposition, nor do I see any probability that we shall at all respecting commerce.

We have not, indeed, as yet, agreed upon a point respecting the definitive treaty. We are waiting for those instructions of yours which you mentioned in yours of the 14th of April, which I have not yet received.

Americans should be cautious of European newspapers as well as of their own; more so, indeed, because they have not so much knowledge and so good opportunities to detect the former as the latter. There are great numbers of persons in Europe who insert things in the papers in order to make impressious in America. Characters are in this way built up and pulled down without the least consideration of justice, and merely to answer sinister purposes, sometimes extremely pernicious to the United States.

I have the honor to be, &c.,

JOHN ADAMS.

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J. Adams to Livingston.\*

PARIS, June 27, 1783.

SIR: Yesterday Dr. Franklin, Mr. Jay, and myself met to prepare the definitive treaty, and made so much progress in it that to-morrow we shall be ready to communicate to Mr. Hartley the result; but I have small hopes of obtaining anything more by the definitive treaty.

The Duke of Manchester and Count d'Aranda have arranged everything between England and Spain, and are ready to finish for their two courts. France, I presume, waits only for Holland, or perhaps for some other negotiation with the Imperial courts. If all the other par-

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\* MSS. Dep. of State; 4 Sparks' Dip. Rev. Corr., 34, with verbal changes; 8 J. Adams' Works, 75.



ties were now to declare themselves ready we should be puzzled. In such a case, however, I am determined (and I believe, but do not know, that my colleagues would join me) to declare myself ready to sign the provisional treaty, *totidem verbis*, for a definitive treaty.

From all I can learn, I am persuaded we shall gain nothing by any further negociation. If we obtain anything by way of addition or explanation, we shall be obliged to give more for it than it is worth. If the British minister refuses to agree to such changes as we may think reasonable, and refuses to sign the provisional articles as definitive ones, I take it for granted France will not sign till we do. If they should they are still safe, for the provisional articles are to constitute the treaty as soon as France has made peace, and I should rather have it on that footing than make any material alteration.

I have put these several cases, because I should be surprised at nothing from the present British ministry. If they have any plan at all it is a much less generous one towards America than that of their immediate predecessors. If Shelburne, Townshend, Pitt, &c., had continued we should have had everything settled long ago to our entire satisfaction, and to the infinite advantage of Great Britain and America, in such a manner as would have restored good humor and affection as far as in the nature of things they can now be restored.

After the great point of acknowledging our independence was got over, by issuing Mr. Oswald's last commission, the Shelburne administration conducted towards us like men of sense and honor. The present administration have neither discovered understanding nor sincerity. The present British administration is unpopular, and it is in itself so heterogeneous a composition that it seems impossible it should last long. Their present design seems to be not to commit themselves by agreeing to anything. As soon as anything is done somebody will clamor. While nothing is done, it is not known what to clamor about. If there should be a change in favor of the ministry that made the peace, and a dissolution of this profligate league, which they call the coalition, it would be much for the good of all who speak the English language. If fame says true, the coalition was formed at gambling tables, and is conducted as it was formed, upon no other than gambling principles.

Such is the fate of a nation, which stands tottering on the brink of a precipice, with a debt of two hundred and fifty-six millions sterling on its shoulders; the interest of which, added to the peace establishment only, exceeds by above a million annually all their revenues, enormously and intolerably as they are already taxed. The only chance they have for salvation is in a reform, and in recovering the affection of America. The last ministry were sensible of this, and acted accordingly. The present ministry are so far from being sensible of it, or caring about it, that they seem to me to be throwing the last dice for the destruction of their country.

I have the honor to be, &c.,

JOHN ADAMS.

J. Adams to Livingston.\*

PARIS, June 27, 1783.

SIR: A few vessels have arrived in England from various parts of America, and have probably made the ministry, merchants, and manufacturers less anxious about a present arrangement of commerce. Whether these vessels have rashly hazarded these voyages against the laws of their country, or whether they have permission from Congress, or their States, we are not informed.

It would have been better, no doubt, to have had an agreement made before the trade was opened, but the eagerness of both sides may not easily be restrained. Whether it is practicable for Congress to stop the trade, I know not, or whether it would be expedient if practicable, I doubt.

The balance of parties in England is so nicely poised that the smallest weight shifts the scales. In truth nothing can be done without changing the ministry, for whatever is done raises a cry sufficient to shake those who do it. In this situation it is a question whether it is best for us to keep things in suspense or bring them to a decision. If Congress were to prohibit all trade with England until a treaty of commerce were made, or some temporary convention at least, it might bring on a decision by exciting a cry against the ministry for not making a convention; but the moment a convention is made a cry will be raised against them for making it. The present ministry, to judge by their motions hitherto, will hazard the clamor for not making one rather than that for making one. They think it least dangerous to them, especially since they have seen so many American vessels arrive in England, and have heard that British ships are admitted to an entry in the ports of America, particularly Philadelphia.

The most difficult thing to adjust in a treaty of commerce will be the communications we shall have with the West India Islands. This is of great importance to us, and to the islands, and I think to Great Britain too. Yet there is a formidable party for excluding us, at least from carrying the produce of those islands to Great Britain.

Much will depend upon the minister you first send to London. An American minister would be a formidable being to any British minister whatever. He would converse with all parties, and if he is a prudent, cautious man, he would at this moment have more influence there than you can imagine.

We are chained here on the only spot in the world where we can be of no use. If my colleagues were of my mind, we would all go together to London, where we could negotiate the definitive treaty, and talk of arrangements of commerce to some purpose. However, one minister in London, with proper instructions, would do better than four. He would have the artifices of French emissaries to counteract, as well as

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\* MSS. Dep. of State; 4 Sparks' Dip. Rev. Corr., 36, with verbal changes.

English partizans; for you may depend upon it, the French see with pleasure the improbability of our coming soon and cordially together, as they saw with manifest regret the appearance of cordial reconciliation under the former administration. These sentiments are not unnatural, but we are under no obligation, from mere complaisance, to sacrifice interests of such deep and lasting consequence. For it is not merely mercantile profit and convenience that is at stake; future wars, long and bloody wars, may be either avoided or entailed upon our posterity, as we conduct wisely or otherwise the present negociation with Great Britain.

I have the honor to be, &c.,

JOHN ADAMS.

Laurens to Livingston.\*

BATH, *June 27, 1783.*

SIR: I beg leave to refer you to the contents of a letter which I had the honor of writing from London the 17th instant, by the hands of Mr. John Vaughan, and a copy by Mr. Thomas Stoughton. Two days ago I had the pleasure of receiving your letter of the 8th of May, together with an act of Congress of the 1st of April, giving leave for my return to America, agreeably to my request, for which I make the most sincere acknowledgments.

I am happy to find the provisional treaty had received the plaudit and ratification of Congress, and should have been ready to have given the best answers in my power to the inquiries which you allude to, had you been pleased to extend them. I know not whether any steps have been taken toward a definitive or other treaty since the 7th instant, when I left Paris, having received no letters from my colleagues; but they, no doubt, will keep you regularly informed.

You will have seen, sir, in several of my former letters, which must have reached you before this day, that no exertions of mine were wanting for delivering you from those troublesome guests of whom you complain. I foresaw the great uneasiness which their long continuance at New York would create. I regret exceedingly that so free a communication as "on the former footing" preceded the accomplishment of that great and necessary work. I had entertained ideas that my country would have treated it with more solemnity.

I have no account to settle with Dr. Franklin, having received no money but from Mr. Grand, viz., twenty thousand livres, and sixteen thousand six hundred and sixty-six livres thirteen sols, which I believe are all the remittances you have made to me and which I have already formally acknowledged. The latter sum, indeed, I have not actually received; but it stands to my credit with Mr. Grand and I soon shall

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\* MSS. Dep. of State, 1 Sparks' Dip. Rev. Corr., 746.

have occasion to draw for it. I am at present in a poor state of health, but I hope Bath and sea bathing will be of service to me. The summer season being so far advanced, I shall prepare for embarkation early in October. No opportunity of serving my country in the mean time shall be slighted or neglected.

I have the honor to be, with great respect, &c.,

HENRY LAURENS.

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Franklin and Jay to Vergennes.\*

PASSY, June 28, 1783.

SIR: Mr. Grand, banker to the Congress, having laid before us the annexed state of their affairs in his hands, we conceive ourselves indispensably obliged to communicate the same to your excellency, as some important interests of both countries are concerned. †

Before the peace was known in America, and while Mr. Morris had hopes of obtaining the five per cent. duty and a larger loan from his majesty, the immediate urgent necessities of the army obliged him to draw bills and sell them to the merchants, to raise money for the purchase of provisions to prevent their starving or disbanding.

The merchants have thereupon formed their plans of business and remitted those bills to their correspondents here to pay debts and purchase goods in this kingdom, to be carried home in the ships that are come or coming to France, thus to open a larger commerce with this nation.

If those bills can not be paid, the creditors of America will be disappointed and greatly hurt, and the commerce will be deranged and discouraged in its first operations, of which the numerous ill consequences are more easily imagined than described.

Our loan in Holland is going on and with such prospect of success that the bankers who have the care of it have lately sent by express to Mr. Adams all the blank obligations necessary to complete it for him to sign, that they might have them ready to deliver as demanded, his return thither being delayed.

This loan will therefore probably answer the bills Mr. Morris has drawn on those bankers.

But the protesting any of his bills here would occasion such an alarm there as must probably entirely stop any further progress of that loan and thereby increase the mischief.

The government of the Congress would also be enfeebled by it.

We apprehend, too, that in the present unsettled situation of our affairs with England such a failure might have very ill effects with respect to our negotiations.

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\* 5 Sparks' Dip. Rev. Corr., 514.

† See Grand's letter to the Commissioners, May 10, 1783, *supra*.

We therefore request your counsel, hoping your wisdom, which has so often befriended our nation, may point out some way by which we may be extricated from this distress.

And as the King has hitherto so generously assisted us, we hope that if it is any way practicable his majesty will crown the glorious work by affording us this help at the different periods when it will be wanted, and which is absolutely the last that will be asked.

We are, with sincere and great respect, &c.,

B. FRANKLIN,  
JOHN JAY.

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**Vergennes to Lafayette.\***

[Translation.]

VERSAILLES, *June 29, 1783.*

SIR: I have received the letter which you did me the honor to write on the 17th of this month. You desire to know what is meant by *free port*. By this term, sir, we mean a place to which all merchandises, as well foreign as domestic, may be imported and from which they may be freely exported. You will judge, sir, by this definition that all the merchandises of the north, without exception, may be imported into L'Orient and exported from it by the Americans. In a word, L'Orient will be reputed foreign with regard to France, as far as it respects commerce. The prohibitions and duties upon foreign merchandises will take effect only in case any person desires to introduce into the interior parts of the realm the merchandises subjected to the one or the other.

I have the honor to be, &c.,

DE VERGENNES.

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Dana to Livingston.†

No. 33.

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ST. PETERSBURGH, *July 1 (June 20, O. S.), 1783.*

SIR: I do myself the honor to write you by this day's post merely to let you know that we have not yet received an account of the conclusion of the definitive treaty of peace, and of course that I remain in the same state as at the date of my last. Her Imperial majesty set off last Friday to meet the King of Sweden at Fredericksham, and is expected here again next Friday. The object of this meeting is doubtless such as I have mentioned in my (No. 31) letter of June 17. The King of Sweden has a well-appointed army of more than ten thousand men near his frontiers in Finland, and the Russian army about their frontiers is said to be greater. The two sovereigns have been putting their possess-

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\* 6 Sparks' Dip. Rev. Corr., 122.

† MSS. Dep. of State; 4 Sparks' Dip. Rev. Corr., 723.

ions in that quarter into a better state of defence for some time. Sweden has been engaged in completing the fortress of Sweaborg, near Helsingfors, which is said to be an exceeding strong place.

These preparations do not indicate, certainly, hostile intentions on either part. They are such as common prudence, with the most pacific dispositions, might render indispensable in the present prospect of a war with Turkey. Should this empire prove unsuccessful in that, there is little reason to doubt that Sweden would seize upon such an occasion to recover the territories which have been conquered from it. Or if the Emperor should take a part in the Turkish war, of which there seems to be much doubt at present, and thereby engage Prussia, France, and perhaps Spain in it, it is highly probable in that case that Sweden would not long remain inactive. It can not now be long before the point will be decided whether we shall have a general war on the continent of Europe or not.

We shall have a great change in the course of the summer in the diplomatic corps here. The minister of Spain has lately gone away, leaving a *chargé d'affaires*. The ministers of France, Portugal, and Denmark are about doing the same. The minister of England will be succeeded by another of the same class, as also the minister of Naples. Besides these changes a minister is coming from the Republic of Venice. France, Spain, Denmark, Portugal, and Sweden will be represented here by *chargés d'affaires*, and if I might offer my opinion upon the matter, when the United States shall have made their commercial treaty with this empire, a *chargé d'affaires* would answer every useful purpose they can have in view at the court. Every day's experience convinces me that they can not decently maintain a minister of the second class at this court, under an appointment of £3,000 sterling per annum, and that it would be a very useless expense for them, as a *chargé d'affaires* may be well supported upon one-half that sum. I have not received any letter from you later than No. 8, nor has the confederation or the constitutions of the several States, which you say you have sent me and which would be very acceptable to me, ever come to hand, and as you have not mentioned through what channel you sent them, I know not where to apply for them. I have written to Paris and Holland for them in vain.

I have the honor to be, &c.,

FRANCIS DANA.

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J. Adams to Livingston.\*

PARIS, July 3, 1783.

SIR: On the last ambassador's day, which was last Tuesday, Dr. Franklin, Mr. Jay, and myself waited on the Count de Vergennes, who told us he thought he had agreed with the Duke of Manchester, but

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\* MSS. Dep. of State; 4 Sparks' Dip. Rev. Corr., 37, with verbal changes; 8 J. Adams' Works, 77.

that his Grace had not yet received the positive approbation of his court. The Count advised us to make a visit all together to the ambassadors of the two Imperial courts. Accordingly, yesterday morning we went, first to the Count de Mercy Argenteau, the ambassador of the Emperor of Germany and King of Hungary and Bohemia. His excellency was not at home, so we left our card.

We went next to the Prince Bariatinski, minister plenipotentiary from the Empress of Russia. Our servant asked if the Prince was at home, and received for answer that he was. We were shown into the Prince's apartment, who received us very politely. While we were here Mr. Markoff came in. He also is a minister plenipotentiary, adjoined to the Prince in the affair of the mediation. I told him we proposed to do ourselves the honor of calling on him. He answered, "As you are an old acquaintance, I shall be very happy to see you." Whether this was a turn of politeness, or whether it was a political distinction, I know not. We shall soon know by his returning or not returning our visit. The Prince asked where I lodged, and I told him. This indicates an intention to return the visit.

We went next to the Dutch ambassador's, M. de Berkenrode. He was not at home, or not visible. Next to the Baron de Blome, envoy extraordinary of the King of Denmark; not at home. Next to M. Markoff's. The porter answered that he was at home. We alighted, and were going to his apartment, when we were told he was not come in. We left a card, and went to the other Dutch ambassador's, M. Brantzen, who was not at home. *En passant*, we left a card at the Swedish minister's and returned home, the heat being too excessive to pursue our visits any further.

Thus, we have made visits to all the ministers who are to be present at the signature of the definitive treaty. Whether the ministers of the Imperial courts will be present, I know not. There are many appearances of a coldness between France and Russia; and the Emperor seems to waver between two opinions, whether to join in the war that threatens, or not. Perhaps the ministers of the Imperial courts will write for instructions whether to return our visit or not.

After I had begun this letter, Captain Barney came in and delivered me your duplicate of No. 12, November the 6th, 1782; duplicate of No. 14, December the 19th, 1782, and triplicate of No. 16, April the 14th, 1783, and the original of your letter of the 18th of April, 1783, not numbered. The last contained my account. But as I have never received any of this money from Dr. Franklin or M. Grand, but have my salary from Messrs. Willinks & Co., at Amsterdam, I am extremely sorry you have had so much trouble with this affair.

Although in your latest letters you say nothing of my resignation, or the acceptance of it, I expect to receive it soon, and then I shall have an opportunity to settle the affair of my salary at Philadelphia.

After reading your letters to me I went out to Passy to see those addressed to us all. Dr. Franklin, Mr. Jay, and myself (Mr. Laurens

being still in England), read them all over together. We shall do all in our power to procure the advantages in the definitive treaty you mention. The state of parties is such in England that it is impossible to foresee when there will be a ministry who will dare to take any step at all. The coalition between Lord North and his connexions, and Mr. Fox and his, is a rope of sand. Mr. Fox, by pushing the vote in the House of Commons disapproving the peace, and by joining so many of the old ministers in the new administration, has justly excited so many jealousies of his sincerity, that no confidence can be placed in him by us. I am extremely sorry that the most amiable men in the nation, Portland and the Cavendishes, should have involved themselves in the same reproach.

In short, at present Shelburne, Townshend, Pitt, and the administration of which they were members, seem to have been the only ones who for a moment had just notions of their country and ours. Whether these men, if now called to power, would pursue their former ideas I know not. The Bible teaches us not to put our trust in princes, and *a fortiori* in ministers of state.

The West India commerce now gives us most anxiety. If the former British ministry had stood we might have secured it from England, and in that case France would have been obliged to admit us to their islands *se defendendo*. The first maxim of a statesman, as well as that of a statuary or a painter, should be to study nature, to cast his eyes round about his country and see what advantages the Creator has given it. This was well attended to in the boundary between the United States and Canada and in the fisheries. The commerce of the West India Islands falls necessarily into the natural system of the commerce of the United States. We are necessary to them and they to us; and there will be a commerce between us. If the government forbid it, it will be carried on clandestinely. France can more easily connive at a contraband trade than England. But we ought to wish to avoid the temptation to this. I believe that neither France nor England will allow us to transport the productions of their islands to other parts of Europe.

The utmost we may hope to obtain would be permission to import the productions of the French Islands into France, giving bond to land them in some port of that kingdom, and the productions of the English islands into some port of Great Britain, giving bonds to land them there. It must, however, be the care of the minister who may have to negotiate a treaty of commerce with Great Britain to obtain as ample freedom in this trade as possible.

While I was writing the above my servant announced the Imperial ambassador, whom I rose to receive. He said that he was happy that the circumstances of the times afforded him an opportunity of forming an acquaintance with me, which he hoped would be improved into a more intimate one. I said his excellency did me great honor, and *begged him to sit*, which he did, and fell into a conversation of an hour.



We ran over a variety of subjects, particularly the commerce which might take place between the United States and Germany by the way of Trieste and Fiume and the Austrian Netherlands, and the great disposition in Germany to migration to America. He says he knows the country round about Trieste very well, having an estate there; that it is a very extensive and a very rich country, which communicates with that maritime city, and that the navigation of the Adriatic Sea, though long, is not dangerous. I asked him what we should do with the Barbary powers. He said he thought all the powers of the world ought to unite in the suppression of such a detestable race of pirates, and that the Emperor had lately made an insinuation to the Porte upon the subject. I asked him if he thought France and England would agree to such a project; that I had heard that some Englishmen had said, "if there were no Algiers, England ought to build one." He said he could not answer for England.

It is unnecessary to repeat any more of the conversation, which turned upon the frugal and industrious character of the Germans, the best cultivators in Europe, and the dishonorable traffic of some of the German princes in men; a subject he introduced and enlarged on himself. I said nothing about it. Rising up to take leave, he repeated several compliments he had made when he first came in, and added: "The Count de Vergennes will do me the honor to dine with me one of these days, and I hope to have that of your company; we will then speak of an affair upon which the Count de Vergennes and you have already conversed."

This shows there is something in agitation, but what it is I cannot conjecture. Whether it is to induce us to make the compliment to the two Imperial courts to sign the definitive treaty as mediators; whether there is any project of an association for the liberty of navigation, or whether it is any other thing, I cannot guess at present, but I will write you as soon as I know. Whatever it is we must treat it with respect, but we shall be very careful how we engage our country in measures of consequence without being clear of our powers and without the instructions of Congress.

I went out to Passy, and found from Mr. Jay that he had made his visit there in the course of the day, but had said nothing to Dr. Franklin or him about the dinner with the Count de Vergennes. In the course of the day I had visits from the Prince Bariatinski and M. de Markoff, the two ministers of the Empress of Russia. The porter told these gentlemen's servants that I was at home, but they did not come up, but only sent up their cards.

While I was gone to Passy Monsieur de Blome, envoy extraordinary from the King of Denmark, called and left his card. Thus the point of etiquette seems to be settled, and we are to be treated in character by all the powers of Europe.

I have the honor to be, &c.,

JOHN ADAMS.

Franklin to Vergennes.\*

PASSY, *July 4, 1783.*

SIR: I have the honor to communicate to your excellency, by order of Congress, their resolution of the 2d May. It will explain itself, and I can add no arguments to enforce the request it contains which I have not already urged with an importunity that nothing but a sense of duty could oblige me to use, when I see so clearly that it is painful to you as well as to me. I confide also much more in the representation M. de la Luzerne has probably made to you of the affair. I will only say that from a perfect knowledge I have of their present situation no favor from his majesty could ever be more essentially serviceable to the United States or make a more lasting impression.

I send withal an address the Congress has just made to the several States, wherein you will see the steps they are taking to procure the necessary funds for answering all engagements, in which I have no doubt they will succeed. Your excellency will also see there the manner in which I have written on the subject; and you will find that the contract of July last was ratified, and with expressions of gratitude, in January last, though the original ratification is not yet come to hand.

With great respect, I am, sir, your excellency's.

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J. Adams to Morris.†

PARIS, *July 5, 1783.*

SIR: Your favors of the 12th and 29th of May were delivered to me on the 3d of this month by Captain Barney. Every assistance in my power shall be given to Mr. Barclay. Mr. Grand will write you the amount of all the bills which have been paid in Holland which were accepted by me. You may banish your fears of a double payment of any one bill. I never accepted a bill without taking down in writing a very particular description of it, nor without examining the book to see whether it had been accepted before. I sent regularly, in the time of it, copies of these acceptances to Dr. Franklin, and I have now asked him to lend them to me, that I may copy them and send them to you. The Doctor has promised to look up my letters and let me have them. The originals are at the Hague, with multitudes of other papers, which I want every day.

Among the many disagreeable circumstances attending my duty in Europe, it is not the least that, instead of being fixed to any one station, I have been perpetually danced about from "post to pillar," unable to have my books and papers with me, unable to have about me the

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\* MSS. Dep. of State.

† MSS. Dep. of State; 4 Sparks' Dip. Rev. Corr., 41; 8 J. Adams' Works, 81.

conveniences of a housekeeper for health, pleasure, or business, but yet subjected in many articles to double expenses.

Mr. Livingston has not informed me of any determination of Congress upon my letter to you of the 17th of November, which distresses me much on Mr. Thaxter's account, who certainly merits more than he has received, or can receive, without the favor of Congress.

I thank you, sir, most affectionately for your kind congratulation on the peace. Our late enemies always clamor against a peace, but this one is better for them than they had reason to expect after so mad a war. Our countrymen, too, I suppose, are not quite satisfied. This thing and that thing should have been otherwise, no doubt. If any man blames us, I wish him no other punishment than to have, if that were possible, just such another peace to negotiate, exactly in our situation. I can not look back upon this event without the most affecting sentiments, when I consider the number of nations concerned, the complications of interests extending all over the globe, the characters of actors, the difficulties which attended every step of the progress, how every thing labored in England, France, Spain, and Holland; that the armament at Cadiz was upon the point of sailing, which would have rendered another campaign inevitable; that another campaign would have probably involved France in a continental war, as the Emperor would, in that case, have joined Russia against the Porte; that the British ministry was then in so critical a situation that its duration for a week or a day depended upon its making peace; that if that ministry had been changed it could have been succeeded only either by North and Company or by the coalition; that it is certain that neither North and Company nor the coalition would have made peace upon any terms that either we or the other powers would have agreed to; and that all these difficulties were dissipated by one decided step of the British and American ministers. I feel too strongly a gratitude to Heaven for having been conducted safely through the storm to be very solicitous whether we have the approbation of mortals or not.

A delay of one day might, and probably would, have changed the ministry in England, in which case all would have been lost. If, after we had agreed with Mr. Oswald, we had gone to Versailles to show the result to the Count de Vergennes, you would have been this moment at war; and God knows how or when you would have got out. What would have been the course? The Count de Vergennes would have sprinkled us with compliments, the holy water of a court. He would have told us, "You have done, gentlemen, very well for your country. You have gained a great deal. I congratulate you upon it, but you must not sign till we are ready; we must sign altogether here in this room." What would have been our situation? We must have signed against this advice, as Mr. Laurens says he would have done, and as I believe Mr. Jay and I should have done, which would have been the most marked affront that could have been offered; or we must have

waited for France and Spain, which would have changed the ministry in England, and lost the whole peace as certainly as there is a world in being. When a few frail vessels are navigating among innumerable mountains of ice, driven by various winds, and drawn by various currents, and a narrow crevice appears to one by which all may escape, if that one improves the moment, and sets the example, it will not do to stand upon ceremonies and ask which shall go first, or that all may go together.

I hope you will excuse this little excursion, and believe me to be, with great respect and esteem, your most obedient and most humble servant,

JOHN ADAMS.

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Franklin to Laurens.\*

PASSY, *July 6, 1783.*

DEAR SIR: We have been honored with several of your letters, and we have talked of writing to you, but it has been delayed. I will therefore write a few lines in my private capacity.

Our negotiations go on slowly, every proposition being sent to England, and answers not returning very speedily.

Captain Barney arrived here last Wednesday, and brought despatches for us as late as the first of June. The preliminary articles are ratified. But General Carleton, in violation of those articles, has sent away a great number of negroes, alleging that freedom having been promised them by a proclamation, the honor of the nation was concerned, &c. Probably another reason may be, that if they had been restored to their masters, Britain could not have hoped any thing from such another proclamation hereafter.

Mr. Hartley called yesterday to tell us that he had received a letter from Mr. Fox, assuring him that our suspicions of affected delays or change of system on their side were groundless; and that they were sincerely desirous to finish as soon as possible. If this be so, and your health will permit the journey, I could wish your return as soon as possible. I want you here on many accounts, and should be glad of your assistance in considering and answering our public letters. There are matters in them of which I can not conveniently give you an account at present.

Nothing could be more seasonable than success in the project you proposed, but we have now very little expectation.

Please to give my love to your valuable and amiable son and daughter, and believe me, with sincere esteem, &c.,

B. FRANKLIN.

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\* 2 Sparks' Dip. Rev. Corr., 445; 8 Bigelow's Franklin, 300.

J. Adams to Livingston.\*

PARIS, July 7, 1783.

SIR: We cannot as yet obtain from Mr. Hartley, or his principals, an explicit consent to any one proposition whatever. Yet England and France, and England and Spain, are probably agreed, and Holland, I suppose, must comply. Our last resource must be to say we are ready to sign the provisional treaty, *totidem verbis*, as the definitive treaty.

I think it is plain that the British ministry do not intend to sign any treaty till Parliament rises. There are such dissensions in the cabinet, that they apprehend a treaty laid before Parliament, if it did not obtain advantages, of which they have no hope, would furnish materials to overthrow them. A new administration is talked of under Lord Temple. The West India commerce is now the object that interests us the most nearly. At dinner with the Duc de la Vauguyon, on Saturday last, he told me that he believed the commerce between the French West India Islands and the United States would be confined to ships built in France, and navigated by French seamen.

"So then, M. le Duc," said I, laughing, "you have adopted the ideas of the British navigation act. But what, if the United States should adopt them too, and make a law that no commerce should be carried on with any West India Islands, French, English, Spanish, Dutch, or Danish, but in ships built in America, and navigated with American seamen? We can import sugar from Europe. But give me leave to tell you that this trade can never be carried on by the French. Their vessels are all large, and navigated by a great number of seamen, and your navigators are too slow. The trade itself was only profitable to us as a system, and little vessels, with a few hands, ran away at any season of the year, from any creek or river, with a multitude of little articles, collected in haste. Your merchants and mariners have neither the patience to content themselves with much and long labor, and dangerous voyages for small profits, nor have they the economy, nor can they navigate vessels with so few hands." "Aye, but we think," said the Duke, "if we do not try we shall never learn to do these things as well and as cheap as you." The Duke told me some days before that he had had a great deal of conversation with the Count de Vergennes, and he found he had a great many good ideas of commerce. The Count himself told me a few weeks ago, "in our regulations of the commerce between our Islands and you, we must have regard to our shipping, and our nurseries of seamen for our marine; for," says he, smiling politely enough, "without a marine, we cannot go to your succor."

In short, France begins to grow, for a moment, avaricious of navigation and seamen. But it is certain that neither the form of government, nor the national character, can possibly admit of great success

\* MSS. Dep. of State; 4 Sparks' Dip. Reg. Corr., 43, with verbal changes; 8 J. Adams' Works, 83.

in it. Navigation is so dangerous a business, and requires so much patience, and produces so little profit among nations who understand it best, and have the best advantages for it, where property is most secure, lawsuits soonest and cheapest ended, (and by fixed certain laws,) that the French can never interfere much with the Dutch or Americans in ship-building or carrying trade. If any French merchants ever begin to carry on this commerce between America and the Islands, they will break to pieces very soon, and then some new plan must be adopted. The English, for aught I know, will make a similar law, that the communications between us and their Islands shall be carried on in British built ships, or ships built in Canada or Nova Scotia, and navigated by British seamen. In this case, we must try what we can do with the Dutch and Danes. But the French and English will endeavor to persuade them to the same policy, for the Duc de la Vauguyon told me that he thought it a common tie (*lien commun*). In this they will not succeed, and we must make the most we can of the Dutch friendship, for luckily, the merchants and Regency of Amsterdam had too much wit to exclude us from their Islands by the treaty. Happily, Congress will have a Dutch minister, with whom they may consult upon this matter, as well as any others, but I should think it would not be convenient to invite an English or French minister to be present at the consultation.

I am at a loss, sir, to guess what propositions made to us Congress have been informed of, which they had not learned from us. None have been made to us. The Dutch ambassadors did once propose a meeting to us, and had it at my house. Dr. Franklin came, but Mr. Jay did not, and Mr. Laurens was absent. The ambassadors desired to know whether we had power to enter into any engagements, provided France, Spain, and Holland should agree to any, in support of the armed neutrality. We showed them the resolution of Congress of the 5th of October, 1780, and told them that Mr. Dana had been since vested with a particular commission to the same effect. We never heard anything further about it.

Not seeing, at the time, any probability that any thing would come of this, nor intending to do anything of any consequence in it, if we should hear further of it, without the further orders of Congress, we did not think it necessary to write anything about it, at least, till it should put on a more serious appearance. If the Count de Mercy's dinner, to which we are to be invited, with the Count de Vergennes, should produce any insinuations on this subject (which I do not, however, expect), we shall inform you, and request the orders of Congress.

I have the honor to be, &c.,

JOHN ADAMS.

Rosencrone, Minister of Denmark, to Franklin. \*

[Translation.]

COPENHAGEN, July 8, 1783.

SIR: It was with the greatest alacrity that I laid before his majesty the letter you did me the honor to write to me, as also the project of a treaty of amity and commerce that accompanied it. The King observed, with the greatest satisfaction, the assurances contained in that letter of the good disposition of Congress to form connections of amity and commerce with his kingdoms, such connections being equally conformable to the interests of the two states, and to his majesty's sincere desire to cement, by every possible means, that harmony, union, and confidence which he wishes to establish forever between his crown and the United States.

The enclosed *counter project* differs in nothing essential from the project sent by you, being drawn up entirely conformable to the same principles, which you will be certainly convinced of, sir, by the note explaining the reasons for adding some articles and only giving a different turn to others, so that I flatter myself that I shall soon hear that you are perfectly satisfied with them, having observed the most perfect reciprocity carefully established throughout.

As to the object mentioned in the letter with which you have honored me, you already know, sir, his majesty's generous intentions towards the individuals in question, and his majesty is the more induced to avail himself of the first opportunity to manifest these intentions, as he thinks he may reasonably hope that Congress will also consider them as a distinguished proof of his friendship and esteem for that respectable body.

There remains nothing further for me to add, but that the King will adopt with great pleasure the most proper means to accelerate the conclusion of the treaty which we have begun. For myself, it will be the most agreeable part of my office, sir, to assist in perfecting such happy connections with a minister of such universal reputation as yourself; and it is with sentiments of the most distinguished regard that I have the honor to be, &c.,

ROSENCRONE.

COUNTER PROJECT OF A TREATY WITH DENMARK.

[Translation.]

*Counter Project of a Treaty of Amity and Commerce between his Majesty the King of Denmark and Norway and the United States of America.*

His majesty the King of Denmark and Norway and the United States of America wishing to fix in an equitable and permanent manner the regulations necessary in the commerce which they are desirous to establish between their respective countries, conceive that they cannot accomplish this object better than by taking as the basis

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\* 2 Sparks' Dip. Rev. Corr., 446.

for their conventions the most perfect equality and reciprocity, leaving to each party the liberty of making such interior regulations with respect to commerce and navigation as shall appear suitable, and founding the advantages of commerce on reciprocal utility and the just laws of free competition. It is in consequence of these principles and of mature deliberation that the contracting parties have agreed upon the following articles :

ARTICLE I. There shall be a firm, inviolable, and universal peace, and a true, and sincere friendship between his majesty the King of Denmark and Norway, his heirs and successors, on the one part, and the United States of America on the other, and between the citizens and subjects of the said powers, and likewise between the countries, islands, cities, and places situated within their respective jurisdictions, and the people and inhabitants thereof, of whatever rank or condition they may be, without exception of persons or places.

ARTICLE II. The subjects of his majesty the King of Denmark and Norway may frequent the countries and latitudes of the United States, reside and traffic there in all kinds of merchandise and effects the importation or exportation whereof is not or shall not be prohibited, and in all places where the navigation or commerce are not or shall not be reserved solely for the citizens and inhabitants of the United States ; and they shall not pay in the ports, harbors, roads, countries, islands, cities, and places of the United States other or greater duties or imposts of any kind or denomination whatever than such as the most favored nations pay or shall pay. They shall, moreover, enjoy all the rights, liberties, privileges, and exemptions, with respect to trade, navigation, and commerce, which the most favored nations do or shall enjoy, and they shall also conform to the laws and ordinances which the said nations are or shall be bound to observe, whether in passing from one port to another of the dominions of the said state, or in returning from any part or to any part of the world whatever.

ARTICLE III. In like manner, the citizens and inhabitants of the United States of America may frequent the States of his majesty the King of Denmark and Norway, reside and traffic there in all kinds of merchandise and effects the importation or exportation whereof is not or shall not be prohibited, and in all places where the navigation and commerce are not or shall not be reserved solely to his Danish majesty's subjects, and they shall not pay in the ports, harbors, roads, countries, islands, cities, and places belonging to his said majesty other or greater duties and imposts of any kind or denomination whatever than such as the most favored nations do or shall pay. They shall, moreover, enjoy all the rights, liberties, privileges, and exemptions which the most favored nations do or shall enjoy, and they shall also conform to the laws and ordinances which the said nations are or shall be bound to observe, whether in passing from one port to another of his Danish majesty's dominions, or in going to or returning from any part of the world whatever, and the United States of America, with their subjects and inhabitants, shall allow his Danish majesty's subjects peaceably to enjoy their rights in the countries, islands, establishments, and seas in the East and West Indies, without molestation or opposition.

ARTICLE IV. His majesty, the King of Denmark and Norway shall use every means in his power to protect and defend all the vessels and effects belonging to the citizens or inhabitants of the said United States of America as shall be in his ports, harbors, or roads, or in the vicinity of his territories, countries, islands, cities, and places, as far as his jurisdiction extends as to the sea, and shall use his efforts to recover and cause to be restored to the lawful proprietors the vessels and effects which shall be taken from them within the extent of his said jurisdiction, and his ships of war, or any other convoys whatever, sailing under his authority, shall, on all occasions where there may be a common enemy, take under their protection all the vessels belonging to the citizens or inhabitants of the United States, or any of them, which may be holding in the same course or going the same route, and they shall defend the said ships as long as they shall hold the same course or follow the same route against



every attack, force, or violence of the common enemy in the same manner as they are bound to defend and protect the vessels belonging to his said majesty's subjects.

**ARTICLE V.** In like manner, the said United States and their ships of war sailing under their authority, shall protect and defend, in conformity with the preceding article, all the vessels and effects belonging to the subjects of his Danish majesty, and shall use all their efforts to recover and cause to be restored the said vessels and effects which shall have been taken within the extent of the jurisdiction of the said states and each of them.

**ARTICLE VI.** It is agreed and determined that every merchant, captains of merchant vessels, or others, his Danish majesty's subjects, shall have entire liberty in all places within the dominions and jurisdiction of the United States of America to manage themselves, their own affairs, and to employ whomsoever they please to manage them, and they shall not be obliged to make use of any interpreter or broker, nor to pay them any fee, unless they make use of them; and with respect to the time and manner of loading or unloading their ships and whatever belongs to them they shall always be considered and treated as the most favored nations, and shall pay no fee or salary which the said nations are not bound to pay in similar cases. The citizens, inhabitants, and subjects of the United States of America shall reciprocally have and enjoy the same privileges and liberties in all the places belonging to his majesty the King of Denmark and Norway.

**ARTICLE VII.** Whenever one of the contracting parties shall be at war with other powers, the communication and free commerce of the subjects of the other party with the states of the said powers shall not on that account be interrupted. On the contrary, in this case it is agreed and stipulated that every ship and vessel of the neutral party may freely navigate from port to port, and on the coasts of the States at enmity with the other party, and that the vessels and ships being free, shall likewise secure the liberty of merchandize; so that every thing shall be judged free which shall be found on board the vessels belonging to the subjects of one of the contracting parties, although the loading, or part of it, should belong to the enemies of one of them; it being, nevertheless, well understood that contraband goods shall be always excepted; and it is also agreed that this same liberty shall extend to the persons of such as shall be found on board of the free vessel, even though they should be enemies of one of the two contracting parties, and they shall not be taken from on board the said vessels unless they are military characters and actually in the service of the enemy.

**ARTICLE VIII.** The merchant vessels of one of the two contracting parties coming either from a port belonging to the enemy, or from their own, or a neutral port, and navigating towards a port of an enemy of the other, shall be bound every time they shall be required, to exhibit, as well on the high seas as in port, their passports or sea letters and other public documents, which shall expressly prove that their loading is not of that kind which is prohibited as contraband; it being well understood, nevertheless, that in all cases where such merchant vessels shall be escorted by one or more vessels of war, the simple declaration of the officer commanding the convoy that these vessels do not carry any contraband goods shall be considered as fully sufficient, and they shall not require to examine the papers of the escorted vessel.

**ARTICLE IX.** It shall no sooner be found by the sea letters, passports, or other public documents, or by the verbal declaration of the commanding officer of the convoy, that the merchant vessels are not laden with contraband goods, than they shall be at liberty to continue their voyage without any hinderance; but if, on the contrary, the exhibition of the said passports or other documents, in case the vessels are not escorted, tends to discover that the said vessels carry merchandize reputed contraband, consigned to an enemy's port, it shall not, however, be permitted to break open the hatches of the said vessels nor to open any chest, case, trunk, bale, package, or cask, which shall be found on board, or to displace or overturn the least part of the merchandize, whether the vessel belongs to his Danish majesty's subjects or to the

citizens or inhabitants of the United States until the cargo has been landed in presence of the officers of the courts of admiralty, and that the inventory has been made of it. And it shall not be permitted to sell, exchange, or alienate the merchandize reputed contraband in any manner whatever, before trial has been held and legally finished, to declare them contraband, and that the courts of admiralty shall have pronounced them confiscated, without any prejudice, nevertheless, to the vessels or to the merchandize, which by virtue of the treaty shall be considered free. It shall not be permitted to retain these merchandizes under pretence that they have been intermixed with the contraband merchandize, and still less confiscate them as legal prizes. In case where a part only, and not the whole of the loading, shall consist of contraband merchandizes, and that the commander of the vessel consents to deliver them up to the privateer which shall have discovered them, then the captain, who shall have made the prize, after having received the merchandize, must immediately release the vessel, and shall not in anywise prevent the continuation of his voyage; but in case the contraband merchandize can not all be taken on board the captor, then the captain of the said vessel shall be at liberty, notwithstanding the offer to deliver the contraband goods, to conduct the master to the nearest port, in conformity to what is prescribed above.

ARTICLE X.—In order to obviate entirely every disorder and violence, it is stipulated that whenever the merchant vessels and ships of the subjects and inhabitants of one of the two parties, navigating alone, shall be met by any vessel of war, privateer, or armed vessel of the other party, the said vessels of war, privateers, or armed vessels shall remain on their part constantly out of cannon shot, and shall not send above two or three men in their boats on board the merchant vessels or ships to examine the passports or other documents which shall prove the property and cargoes of the said vessels or ships. Such of the vessels of war, privateers, or armed vessels of the one party as shall molest or damage in any manner whatever the ships or vessels of the other shall be obliged to answer for it in their persons and property, and consequently to render satisfaction for all damage and interest over and above the reparation due for the insult shown the flag.

ARTICLE XI.—It is agreed that everything that is found laden by the respective subjects or inhabitants on board of vessels belonging to the enemies of the other party, or to their subjects, shall be confiscated without distinction of prohibited merchandize, in like manner as though it belonged to the enemy, excepting always such effects and merchandize as shall have been put on board of said vessels, before the declaration of war, or even after said declaration, if, at the time of lading, it was unknown, so that the merchandizes of the subjects of the two contracting parties, whether they are of the number termed contraband or otherwise, which, as has just been said, shall have been laden on board of a vessel belonging to the enemy before the war, or even after the declaration, when it was not known, shall in nowise be subject to confiscation, but shall be faithfully and *bona fide* returned without delay to their proprietors, who shall claim them, it being well understood, nevertheless, that it shall not be permitted to carry into the enemy's ports merchandize of a contraband nature. And in order that every dissension may be avoided, it is agreed that, after the term of six months being elapsed from the declaration of war, the respective subjects, from whatever part of the world they may come, shall not allege the ignorance mentioned in the present article.

ARTICLE XII.—All vessels and merchandize of whatever nature soever, whenever they shall have been recovered from the hands of pirates on the high seas, shall be brought into some port of one of the two states, and shall be delivered to the care of the officers of the said port in order to be restored entire to their true proprietor as soon as he shall have duly and sufficiently proved his property.

ARTICLE XIII.—The ships of war belonging to the two parties, as also those of their subjects which are armed, shall conduct at full liberty wheresoever they please the prizes they shall have made from their enemies without being obliged to pay any other duties than such as the most favored nations; the said vessels or the said prizes, on

entering into the ports of his Danish majesty, or other said United States, shall not be subject to be stopped or seized, nor shall the officers of the places have any power to take cognizance of the validity of the said prizes, which shall go out and be freely conducted in full liberty to the places mentioned in the commissions, which the captains of the said vessels shall be obliged to produce.

ARTICLE XIV.—In order to favor as much as possible the commerce on both sides, it is agreed that, if a war should happen between his majesty, the King of Denmark and Norway and the United States of America, (which God forbid), nine months after the declaration of war shall be granted to the subjects on both sides to collect, sell, and transport freely merchandize and effects belonging to them, and to withdraw themselves; and if anything is taken from them, or if any injury is done to them during the above prescribed time, by one of the two parties, full and entire satisfaction shall be given them in this respect.

ARTICLE XV.—No subject of his majesty the King of Denmark and Norway shall take a commission or letter of marque (to arm any vessel or vessels for the purpose of acting as a privateer against the said United States, or any of them, or against their subjects, people, or inhabitants, or against their property, or that of any among them) from any prince whatever with whom the said United States shall be at war. In like manner no citizen, subject, or inhabitant of the said United States, or of any of them, shall demand or accept of any commission or letter of marque (to arm any vessel or vessels to cruise against the subjects of his said majesty, or any of them, or their property) from any prince or state whatever with whom his majesty shall be at war; and if any one of either nation should take such commissions or letters of marque he shall be punished as a pirate.

ARTICLE XVI.—In case the vessels of the subjects and inhabitants of one of the two contracting parties should approach the coasts of the other without, however, designing to enter into the port, or to discharge the cargo, or to break bulk after having entered, they shall be at liberty to depart, or to pursue their voyage without molestation, in the same manner as is practised by the vessels belonging to the most favored nations.

ARTICLE XVII.—The liberty of navigation and commerce mentioned in the 7th article of this treaty shall extend to all kinds of merchandizes, excepting those which are designated by the name of contraband. Under this name of contraband or prohibited merchandize are only to be comprehended arms, cannon, powder, matches, pikes, swords, lances, spears, halberts, mortars, petards, grenades, salt-petre, fusils, balls, bucklers, helmets, drums, coats of mail, and other arms of that kind fit to arm soldiers; swivels, shoulder belts, horses with their equipages, and all other instruments of war whatever, excepting always the quantity that may be necessary for the defence of the vessel and such as compose the crew. All other effects and merchandize not expressly designated above, of whatever kind or denomination they may be, and however fit they may be even for the building, the repairing and equipment of vessels, or for the making of any machine or warlike instrument by land or by sea, shall not be considered as contraband, and they may consequently be transported and conducted in the freest manner by the subjects of the two contracting parties to places belonging to the enemy, excepting, nevertheless, such as shall be actually besieged, blocked up, or invested, and such shall only be considered so where the vessels of the power that attacks shall be so near and posted in such a manner as that there shall be evident danger to enter.

ARTICLE XVIII.—The passports or sea letters, which shall prove the property of the neutral vessels, according to the tenor of the 8th article of the present treaty, shall be prepared and distributed according to the model which shall be agreed on. Every time that the vessel shall have returned to its own country it shall be furnished with new passports of the like kind; at least, these passports must not be of an older date than two years after the time the vessel has returned last to its own country. Moreover, the vessels being loaded, must be provided with such certifi-

cates, or manifests, or other public documents as are commonly given vessels which depart from the ports from whence they have last sailed, containing a specification of the cargo, of the place from whence the vessel has departed, and that of her destination, in order that it may be known whether there are any contraband effects on board of the vessels, and whether they are destined to carry them to an enemy's country or not. If the names of the persons to whom the effects on board belong are not expressed in the said documents this omission shall not, however, give cause for confiscation, as the freedom of the vessel secures the freedom of the effects.

ARTICLE XIX.—Should it happen that the ships or vessels of one of the two contracting parties, or of their subjects, should strike against the rocks, or strand, or be shipwrecked on the coast of the other, the respective subjects shall enjoy both for their persons and their ships and vessels, effects and merchandize, all the aid and assistance possible, as the inhabitants of the country, and shall only pay the same expenses and duties which the proper subjects of the state on whose coasts they shall have stranded or have been shipwrecked, are subject to in similar cases.

ARTICLE XX. If the subjects or inhabitants of one of the two parties, compelled by storm, or by the pursuit of pirates, or of the enemy, or by any other accident, find themselves constrained to take refuge with their ships in the rivers, bays, ports, and roads belonging to the other, they shall be received and treated with every humanity and kindness, and they shall be permitted likewise to refresh and to furnish themselves at a just price with every kind of provisions, and every thing necessary for the maintenance and support of their persons, and for the reparation of their ships, provided they carry no commerce contrary to the laws and ordinances of the place or port into which they have entered.

ARTICLE XXI. It is agreed that the subjects of each of the contracting parties, and their ships, vessels, merchandize, and effects, shall not be subject to an embargo or detention in any of the countries, islands, towns, places, ports, or domains whatever of the other party, for any military expedition, public or private use in any manner whatever; and in cases of seizure, detentions, or arrests for debts contracted, or faults committed by any subject of one of the parties in the states of the other, the said seizures, detentions, or arrests shall be made only by order and authority of the justice, and according to the ordinary means; and with regard to debts and faults, process ought to be made by way of equity, and agreeably to the forms of the justice of the place.

ARTICLE XXII. The two contracting parties have mutually granted permission to have in their respective ports consuls, vice-consuls, agents, and commissaries, which they shall appoint themselves, and whose functions shall be regulated by a particular convention whenever either of the parties wish to establish it.

ARTICLE XXIII. The subjects of his majesty the King of Denmark and Norway may, in the country of the United States of America, dispose of their effects by testament, donation, or otherwise; and their heirs, subjects of his said majesty, shall succeed them, without any impediment, in all their effects, moveable and immoveable, either by testament or *ab intestate*; so that they may take possession of the inheritance, either by themselves, or by attorney, and dispose of it as they please, after having discharged the different duties established by the laws of the state where the said succession shall have been left; and in case that the heirs of the said dead subjects should be absent or minors, and that the deceased shall not have appointed guardians or executors, the property left shall then be inventoried by the notary public, or by the magistrate of the place, and disposed of in such manner that they may be kept and preserved for the legal proprietors; and, supposing that there should arise a dispute about such inheritance among several pretenders, then the judges of the places where the effects of the deceased shall be found, shall decide the process by a definitive sentence agreeably to the laws of the country. The contents of the present article shall be reciprocally observed, with respect to the subjects of the United States of America, in the states of his Danish majesty.

**ARTICLE XXIV.** A perfect liberty of conscience shall be granted to the subjects and inhabitants of each party within the respective states, and they may, consequently, freely attend the worship of their religion without being disturbed or molested, provided that they submit, as to the public demonstration, to the ordinances and laws of the country.

**ARTICLE XXV.** His majesty the King of Denmark and Norway, and the United States of North America, have agreed that the present treaty shall be in full effect during the space of fifteen successive years, reckoning from the day of its ratification; and the two contracting parties reserve to themselves the power of renewing it at the expiration of that time.

**ARTICLE XXVI.** The present treaty shall be ratified on both sides, and the ratifications shall be exchanged within the space of eight months from the date of the signature.

**EXPLANATION OF THE COUNTER PROJECT OF A TREATY OF AMITY AND COMMERCE  
RECEIVED FROM DENMARK.**

[Translation.]

Although the comparison of the enclosed counter project, with the project proposed by Mr. Franklin, evidently proves the attention that has been shown on our part here to the negotiation set on foot, and which, in the main, has been agreed upon as to the principles which have been adopted for the basis of a treaty, as well as the the most essential stipulations, we could not avoid, however, explaining more distinctly certain points of the counter project; and the éclaircissemens that will be given of them will at the same time prove the amicable intentions with which it has been endeavored to facilitate the consequence of an affair too important to the welfare of the two nations, not to merit the attention and cares of the powers which govern them.

The second and third articles will regulate the conduct of the reciprocal subjects in the respective states. Taking things as they now are, it is easily perceived that the stipulations of the said articles, although apparently reciprocal, give, however, superior advantages to the United States; for, according to the system of commerce, which subsists in Denmark and Norway, the most favored nations pay there no greater imposts or other duties than the proper subjects of the state, and the proper subjects of the state enjoy considerable diminutions with respect to unprivileged nations, as well for their vessels as for their merchandize. It is evident, therefore, that the subjects of the United States of America being received among the most favored nations in Denmark and Norway, would not only gain by that means a competition with the said most favored, but also a preference over several other nations even in the neighborhood of Denmark, with whom no treaties of commerce have been concluded, and who, therefore, are still in the number of unprivileged, as to navigation and commerce, in the states of his Danish Majesty.

On the other hand, if the advantages which would result from these articles, as to the commerce of the subjects of Denmark in the territories of the United States, are considered, the said advantages would be confined to the simple competition with every other foreign nation; but, as there is no nation that we know of which actually pays in the territories of the United States other or greater duties than what the privileged or most favored nations are bound to pay, the Danish subjects would not find in the territories of the United States the same preference which the subjects of the United States would obtain in Denmark and Norway. The preceding considerations are not advanced for the purpose of taking any advantage, but they are pointed out only to show the impartiality and good will with which we desire to contribute to the mutual connexions of amity and commerce between the two nations, who will, it is to be hoped, more and more unite. As to the periods inserted in these articles, they

do not essentially change the stipulations projected by the Minister of the United States; they only add therein some proper determination to prevent every misunderstanding on the subject of the reciprocal liberties and privileges, and to guaranty some rights, which the subjects of his Danish Majesty enjoy with respect to certain countries and colonies, as Iceland, Greenland, Finmarson, Faro, the establishment of Tranquibar, and, in certain respects, the Islands of St. Croix, St. Thomas, and St. John; and if, at any time, it should please the United States to reserve for its own subjects similar rights, with respect to certain places, or certain kinds of merchandize, and to exclude therefrom every foreign nation, the same stipulations shall then suit their intentions. In like manner the same mark of reciprocity has been given to every change, excepting only the last clause of the third article, which has not been susceptible of the same turn, considering the local position of the United States, and which undoubtedly for the same reason, has been inserted in the treaty of the United States with Holland, in the same manner as it is here in the counter project.

After having pointed out the privileges which the subjects of his Danish Majesty enjoy in the Islands of St. Croix, St. Thomas, and St. John, it will not be useless to observe that it is only the commerce and navigation between the said islands and Europe which Denmark has appropriated to itself in any manner; but the commerce which is conducted between those islands and North America, although always subject to the same interior regulations on both sides, has been for a long while authorized by his Danish Majesty's commercial laws, and his said majesty has, moreover, granted to the Islands of St. Thomas and St. John privileges which will give the commerce of these islands with America in particular a freer course, and very different from that of the commerce of the colony. The advantages which the United States may derive from a more close commercial connexion with the said privileged islands, at whose ports, distinguished by the security they insure to vessels, appear to invite the commercial subjects of America, are too evident to need any circumstantial detail. There shall only be added, therefore, to what has been said, this single observation, that his Danish Majesty, having it very much at heart to open every possible road to industry and commerce, finds himself much disposed to favor the connexion in question, and that, if for this purpose the United States, after the conclusion of the present treaty, which shall fix the general commercial points between the contracting parties, should desire a particular convention to agree upon the reciprocal and local advantages proper to accomplish this object, his said Majesty would willingly come into it, provided that the United States were equally disposed on their part to facilitate the affair.

The fourth and fifth articles have only been modified in order to remove the doubts which might arise with respect to the defence and protection due to the vessels belonging to the respective subjects. It is only in cases of attack from the common enemy, against whom it was conceived possible to confine each other by these articles; for in case that one of the parties was at war and the other at peace, the vessels belonging to the neutral party could not protect the vessels belonging to the belligerent party without taking a part and quitting its neutrality.

The privileges of the most favored nations undoubtedly guaranty to the respective subjects the favors mentioned in the sixth, eleventh, fourteenth, and seventeenth articles of the project. For this reason it has appeared that it would be better to reduce the points detailed in these articles to the number of general liberties of the most favored nations, and this is what has been done in the sixth, thirteenth, sixteenth, and twenty-first articles of the counter project, contenting ourselves here with the assurance that the subjects of his Danish majesty in the cases mentioned here, as well as in any other, shall be regarded and treated in the territories within the dominions of the United States as the most favored nations, and in expectation that the United States will not demand anything more in these respects.

The seventh, eighth, and ninth articles of the counter project only contain the spirit and ideas of the fifteenth, seventh, and eighth articles of the project, to which

has been added some further stipulations, conformable to the principles which have been established and acknowledged with respect to the commerce of neutral nations in time of war.

The term of two months which has been proposed in the ninth article, and that of six months named in the twelfth article of the project, did not appear to correspond with the extent of commerce which is carried on, particularly with the East Indies, nor with difficulties which the merchants or inhabitants sometimes find in arranging their affairs to change their abode. It is for this reason that, instead of two and six months, the terms six and nine months have been substituted, it being, nevertheless, well understood that, from the friendship and good understanding which is about being strengthened between the two nations, the subjects of neither party will ever have cause to take refuge on account of a rupture.

Although no fault has been found as to the merchandize, which the project has called contraband or not contraband in time of war, there is, however, reason to think that it would still be better for the conveniency of the contracting parties only to name in express terms the contraband, without detailing the free merchandize, with respect to which no better explanation could be given, as it appears, than by agreeing that everything that is not called contraband shall be comprehended in the number of free merchandize; consequently, on this principle the seventeenth article of the counter project has been arranged, and at the end of the article has been added the definition of a port that is blocked up.

The new articles that have been proposed on this side principally turn on reciprocal points and favors, which justice and equity demand, and which humanity and the rights of nations ordinarily grant, even without stipulation by express conventions; but it is usage that has introduced them into treaties, and it is conceived that it is no less necessary to conform thereto.

As to the passports mentioned in the eighteenth article of the counter project there is nothing easier than to agree about them after the conclusion of the treaty, or at the time when it is concluded, and the models that shall be agreed on can then be officially exchanged and published in case of necessity.

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Dana to Livingston.\*

No. 32.

ST. PETERSBURGH,  
July 8 (*June 27, O. S.*) 1783.

SIR: After the departure of her Imperial majesty for Fredericksham, as mentioned in my last, the vice chancellor communicated to the foreign ministers the information that their Imperial majesties had concluded an alliance offensive and defensive against the Porte. Thus it now becomes certain that the Emperor will take a part in this new war; the consequence of which will be, as I have supposed in some of my former letters, a general war on the continent of Europe.

A courier has been sent from hence with a similar communication as above to the courts of Berlin and Versailles, which courts having been apprehensive of such an event are doubtless prepared to meet it and oppose themselves to the execution of the project of the Imperial

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\* MSS. Dep. of State; 4 Sparks' Dip. Rev. Corr., 729.

courts, which is nothing short of what was supposed to be in agitation, by my letter No. 2, of the 30th of March, 1782, particularly by the first sentence of it relative to that subject, to which I beg leave again to refer you for more particular information. Last Saturday a courier arrived from Versailles for the French minister, which was sent from thence in consequence of the same matter being communicated there by the minister of the Emperor; that from this court had not then arrived. I am told his most Christian majesty expresses in a firm tone his surprise at the Empress' seizing upon the Crimea, and demands an explanation upon that subject, concluding, however, with an offer of his mediation between her Imperial majesty and the Porte for settling their differences and pretensions. But it is evident the sword alone must decide these.

Some time in last February, France having information of the project formed against the Porte, remonstrated in strong terms against it to the Emperor, upon which, as is said, he gave full assurances that he had not any such design as was imputed to him. This gave rise to the doubts which have been entertained whether he would take a part in the war against the Porte, which seemed to be the point upon which a general war upon the continent would depend. For if Russia alone had attacked the Turks, the powers whose interest it is to support them would have probably confined themselves to secret succors. Their own safety will now oblige them to make powerful diversions in their favor. Not only France and Prussia have a deep interest to prevent the aggrandizement of the House of Austria, but many of the Electors and Provinces of Germany also, in order to preserve their own independence and liberties, which are ever in danger from powerful and ambitious emperors. Hence we may see some of these allied with those two principal powers to support the Turks against this formidable alliance of the Imperial courts. Great Britain will remain neuter, rejoicing to see France engaged in an expensive continental war. Or if a favorable occasion should arise she may take a part in it towards the close to avenge herself for the part France has taken in our Revolution. Thank God we have a world to ourselves, and may rest in peace while the calamities of war are laying waste and desolating this continent. We may derive special advantages from it, as it will probably augment the emigration of that most useful class of men, the peasants of Germany, into America.

Since my last, a nuncio from the Pope has arrived here, coming from Poland. Having had no account of the definitive treaty, I remain *in statu quo*.

I have the honor to be, &c.,

FRANCIS DANA.



J. Adams to Livingston.\*

PARIS, July 9, 1783.

DEAR SIR: Since the dangerous fever I had in Amsterdam two years ago I have never enjoyed my health. Through the whole of the last winter and spring I have suffered under weaknesses and pains, which have scarcely permitted me to do business. The excessive heats of the last week or two have brought on me fever again, which exhausts me in such a manner as to be very discouraging, and incapacitates one for everything. In short, nothing but a return to America will ever restore me to health, if even that should do it.

In these circumstances, however, we have negotiations to go through and your despatches to answer. The liberal sentiments in England respecting trade are all lost for the present, and we can get no answer to anything. It is the same thing with the Dutch. One of the Dutch ambassadors told me yesterday at Versailles that now for five weeks the English had never said one word to them. These things indicate that the ministry do not think themselves permanent.

The Count de Vergennes asked Dr. Franklin and me yesterday if we had made our visits. We answered that we had, and that they had been promptly returned. "The thing in agitation," says the count, "is for you to determine whether your definitive treaty shall be signed under the mediation of the two Imperial courts or not. Ours and the Spanish treaty with England are to be so finished, and if you determine in favor of it, you have only to write a letter to the ministers of the Imperial courts who are here." I told him, in the present case, I did not know what a mediation meant. He smiled, but did not seem to know any better than I; at least he did not explain it. We told him we would determine upon it soon.

How we shall determine I cannot say. For my own part I see no harm in accepting the mediation, nor any other good than a compliment to the two empires. In Europe it may be thought an honor to us, and therefore I shall give my voice, as at present informed, in favor of it, as it seems rather to be the inclination of the Count de Vergennes that we should.

Your late despatches, sir, are not well adapted to give spirits to a melancholy man or to cure one sick with a fever. It is not possible for me at present to enter into a long detail in answer to them. You will be answered, I suppose, by all the gentlemen jointly. In the mean time I beg leave to say to you a few words upon two points.

1st. The separate article never appeared to me of any consequence to conceal from this court. It was an agreement we had a right to make; it contained no injury to France or Spain. Indeed, I know not what France has, or ever had, to do with it. If it had been communicated to this court it would probably have been communicated to

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\*MS8. Dep. of State; 4 Sparks' Dip. Rev. Corr., 46; 8 J. Adams' Works, 86.

Spain, and she might have thought more about it than it was worth. But how you could conceive it possible for us to treat at all with the English, upon supposition that we had communicated every the minutest thing to this court, when this court was neither obliged nor thought proper to communicate anything whatever to us, I know not. We were bound by treaty no more than they to communicate. The instructions were found to be absolutely impracticable. That they were too suddenly published is very true.

2dly. A communication of the treaty to this court, after it was agreed upon and before it was signed, would have infallibly prevented the whole peace. In the first place, it was very doubtful, or rather, on the contrary, it is certain, the English minister never would have consented that we should have communicated it. We might, it is true, have done it without his consent or knowledge; but what would have been the consequence? The French minister would have said the terms were very good for us, but we must not sign till they signed; and this would have been the continuance of the war for another year at least. It was not so much from an apprehension that the French would have exerted themselves to get away from us terms that were agreed on that they were withheld. It was then too late, and we have reasons to apprehend that all of this kind had been done which could be done. We knew they were often insinuating to the British minister things against us respecting the fisheries, tories, &c., during the negotiation, and Mr. Fitzherbert told me that the Count de Vergennes had "fifty times reproached him for ceding the fisheries, and said it was ruining the English and French commerce both." It was not suspicion it was certain knowledge, that they were against us on the points of the tories, fisheries, Mississippi, and the western country.

All this knowledge, however, did not influence us to conceal the treaty. We did not, in fact, conceal it. Dr. Franklin communicated the substance of it to the Count and M. de Rayneval. So did I. In a long conversation with the Count and M. de Rayneval together, I told them the substance of what was agreed upon and what we further insisted on and the English then disputed. But the signing before then is the point. This we could not have done if we had shown the treaty and told them we were ready. The Count would certainly have said to us, "You must not sign till we sign." To have signed after this would have been more disagreeable to him and to us too. Yet we must have signed, or lost the peace. The peace depended on a day.

Parliament had been waiting long, and once prorogued. The minister was so pressed, he could not have met Parliament and kept his place without an agreement upon terms at least with America. If we had not signed, the ministry would have been changed and the coalition come in, and the whole world knows the coalition would not have made peace upon the present terms, and, consequently, not at all this year. The iron was struck in the few critical moments when it was of

proper heat, and has been moulded into a handsome vessel. If it had been suffered to cool, it would have flown in pieces like glass. Our countrymen have great reason to rejoice that they have obtained so good a peace when and as they did. With the present threatening appearances of a northern war, which will draw in France, if our peace was still to be made we might find cause to tremble for many great advantages that are now secured. I believe the Count himself, if he were now to speak his real sentiments, would say he was very glad we signed when we did, and that without asking his consent.

The Duc de la Vauguon told me and M. Brantzen together last Saturday, "If you had not signed when you did, we should not have signed when we did." If they had not signed when they did, d'Estaing would have sailed from Cadiz, and in that case nobody would have signed to this day. It is not possible for men to be in more disagreeable circumstances than we were. We are none of us men of principles or dispositions to take pleasure in going against your sentiments, sir, much less those of Congress. But in this case, if we had not done it, our country would have lost advantages beyond computation.

On Monday, sir, we pursued our visits and to-day we finish. Yesterday at court all the foreign ministers behaved to us without reserve as members of the *corps diplomatique*, so that we shall no longer see those lowering countenances, solemn looks, distant bows, and other peculiarities which have been sometimes diverting and sometimes provoking for so many years.

I have the honor to be, &c.,

JOHN ADAMS.

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J. Adams to Morris.\*

PARIS, July 10, 1783.

SIR: Upon the receipt of the despatches by Barney I sent off your letters for Messrs. Willinks & Co., and I received last night an answer to the letter I wrote them upon the occasion. They have engaged to remit Mr. Grand a million and a half of livres in a month, which has relieved Mr. Grand from his anxiety.

This court has refused to Dr. Franklin any more money. They are apprehensive of being obliged to take a part in the northern war, and their own financiers have not enough of the confidence of the public to obtain money for their own purposes.

Your design of sending cargoes of tobacco and other things to Amsterdam to Messrs. Willinks & Co. is the best possible to support our credit there. The more you send the more money will be obtained. Send a minister, too; residing there, he may promote it much. It is a misfortune that I have not been able to be there, but this post cannot

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\* MSS. Dep. of State; 4 Sparks' Dip. Rev. Corr., 51; 8 J. Adams' Works, 91.

be deserted. Instruct your minister to inquire whether the house of Hope could be persuaded to engage with Willinks in a new loan. This should be done with secrecy and discretion. If that house would undertake it, you would find money enough for your purpose, for I rely upon it the States will adopt a plan immediately for the effectual payment of interest. This is indispensable. The foundation of a happy government can only be laid in justice; and as soon as the public shall see that provision is made for this you will no longer want money.

It is a maxim among merchants and moneyed men that "every man has credit who does not want it." It is equally true of states. We shall want it but little longer if the States make provision for the payment of interest, and therefore we shall have enough of it. There is not a country in the world whose credit ought to be so good, because there is none equally able to pay.

Enclosed is a pamphlet of Dr. Price's for your comfort. You will see by it that the only nation we have reason to fear wants credit so much that she is not likely to have it always, and this is our security. By some hints from Mr. Hartley he will probably return to London and not be here again. The present ministry is so undecided and feeble, that it is at least doubtful whether they will make the definitive treaty of peace.

With great respect, &c.,

JOHN ADAMS.

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J. Adams to Livingston.\*

PARIS, July 10, 1783.

SIR: In the present violent heat of the weather and feverish state of my health I cannot pretend to sit long at my pen, and must pray you to accept of a few short hints only.

To talk in a general style of confidence in the French court, &c., is to use a general language, which may mean almost anything or almost nothing. To a certain degree, and as far as the treaties and engagements extend, I have as much confidence in the French court as Congress has, or even as you, sir, appear to have. But if by confidence in the French court is meant an opinion that the French office of foreign affairs would be advocates with the English for our rights to the fisheries or to the Mississippi River, or our western territory, or advocates to persuade the British ministers to give up the cause of the refugees and make parliamentary provision for them, I own I have no such confidence, and never had. Seeing and hearing what I have seen and heard, I must have been an idiot to have entertained such confidence; I should be more of a Machiavelian or a Jesuit than I ever was or will be to counterfeit it to you or to Congress.

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\* MSS. Dep. of State, 4 Sparks' Dip. Rev. Corr. 49; with verbal changes, 8 J. Adams' Works, 89.

M. Marbois' letter is to me full proof of the principles of the Count de Vergennes. Why? Because I know (for it was personally communicated to me upon my passage home by M. Marbois himself) the intimacy and confidence there is between these two. And I know further that letter contains sentiments concerning the fisheries diametrically opposite to those which Marbois repeatedly expressed to me upon the passage, viz: "That the Newfoundland fishery was our right, and we ought to maintain it." From whence I conclude M. Marbois' sentiments have been changed by the instructions of the minister. To what purpose is it where this letter came from? Is it less genuine whether it came from Philadelphia, Versailles, or London? What if it came through English hands? Is there less weight, less evidence in it for that? Are the sentiments more just or more friendly to us for that?

M. de Rayneval's correspondence, too, with Mr. Jay. M. de Rayneval is a *chef de bureau*. But we must be very ignorant of all courts not to know that an under secretary of state dares not carry on such a correspondence without the knowledge, consent, and orders of the principal.

There is another point now in agitation in which the French will never give us one good word. On the contrary, they will say everything they can think of to persuade the English to deprive us of the trade of their West India Islands. They have already, with their emissaries, been the chief cause of the change of sentiment in London on this head against us. In general they see with pain every appearance of returning real and cordial friendship, such as may be permanent between us and Great Britain. On the contrary, they see with pleasure every seed of contention between us. The tories are an excellent engine of mischief between us, and are therefore very precious.

Exclusion from the West India Islands will be another. I hold it to be the indispensable duty of my station not to conceal from Congress these truths. Do not let us be dupes, under the idea of being grateful. Innumerable anecdotes happen daily to show that these sentiments are general. In conversation a few weeks ago with the Duc de la Vauguyon, upon the subject of the West India trade, I endeavored to convince him that France and England both ought to admit us freely to their islands. He entered into a long argument to prove that both ought to exclude us. At last I said the English were a parcel of sots to exclude us, for the consequence would be that in fifteen or twenty years we should have another war with them. "*Tant mieux! tant mieux! je vous en félicite,*" cried the duke, with great pleasure. "*Tant mieux pour nous,*" said I, "because we shall conquer from the English in that case all their islands, the inhabitants of which would now declare for us if they dared. But it will not be the better for the English. They will be the sots and dupes if they lay a foundation for it." "Yes," said the duke, "I believe you will have another war with the English." And in this

wish he expressed the feelings and the vows of every Frenchman upon the face of the earth. If, therefore, we have it in contemplation to avoid a future war with the English, do not let us have too much confidence in the French that they will favor us in this view.\*

I have the honor to be, &c.,

JOHN ADAMS.

Morris to the Governors of the States.†

OFFICE OF FINANCE, *July 11, 1783.*

SIR: I do myself the honor to enclose to your excellency a state of the public accounts, balanced on the last day of June, 1783. A view of these accounts will render it unnecessary to make many observations.

On the States I am to rely for payment of the anticipations, amounting, as you will see, to more than a million. And you will observe that this great anticipation has been made for that service which all affect to have so much at heart—a payment to the American army.

If they had received no pay during the year 1783 I might, perhaps, have been spared the necessity of this application, because it is probable that the taxes, even as they are now collected, might have absorbed such anticipations as I should then have been obliged to make.

Much pains have been taken to inculcate the idea that we have funds in Europe. Those funds which we had there are exhausted, and the general apprehension that no proper funds here will be provided has cut off all hopes from that quarter.

The question has frequently and industriously been asked, what has become of the moneys which are paid in taxes? I have furnished the means of judging as to those which reach the public treasury to every man employed in the administration of government in the several States, for my accounts have been regularly transmitted. And I would not have mentioned the insinuation had it not been for the purpose of observing that it is incumbent on all those who are desirous of forwarding a collection of taxes to show a fair appropriation, and not suffer groundless clamors to disturb the public mind.

It has been said that there is no necessity of urging the collection of taxes now, because the notes given to the army are not payable in less than six months. This again is an assertion whose mischievous operation is leveled at the very vitals of our credit. One month of that time is already expired with respect to all those notes which have been

\*See a letter from Franklin to Livingston, *infra*, dated July 22, 1783, containing remarks on Mr. Adams' opinions of the policy and designs of the French court; also a letter from Mr. Laurens to Livingston, January 9, 1783, *supra*.

† MSS. Dep. of State; 6 Sparks' Dip. Rev. Corr., 620.

already issued. They are not the only notes in circulation. Notes are not the only modes of anticipation which have been adopted. And it is a serious fact that unless more vigorous measures take place the credit of all notes and of everything else must be destroyed. But this is not all. Supposing for a moment that the notes given to our army were the only object whose credit was to be attended to; can any reasonable man imagine that they could be of any use if the payment were to depend on taxes which are not to be collected until the notes are due?

I have not been wanting on my part in pointing out from time to time the mischiefs which must ensue from neglect. The applications have met with inattention, which personally I have disregarded, but which I could not but feel from the consequences involved in it. Again, in compliance with the duty I owe to the United States, I call for that aid which they are entitled to. And on this occasion I take leave to observe that the moment is fast approaching which is to determine whether America is entitled to the appellation of just, or whether those who have constantly aspersed her character are to be believed.

With perfect respect, I have the honor to be, &c.,

ROBERT MORRIS.

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J. Adams to Livingston.\*

PARIS, *July 11, 1783.*

SIR: As there are certain particulars in which it has appeared to me that the friendship of a French minister has been problematical, at least, or rather, not to exist at all, I have freely mentioned them to Congress; because I hold it to be the first duty of a public minister, in my situation, to conceal no important truth of this kind from his masters.

But ingratitude is an odious vice, and ought to be held in detestation by every American citizen. We ought to distinguish, therefore, between those points for which we are not obliged to our allies, from those in which we are.

I think, then, we are under no particular obligations of gratitude to them for the fisheries, the boundaries, exemption from the tories, or for the progress of our negotiations in Europe.

We are under obligations of gratitude for making the treaty with us when they did; for those sums of money, which they have generously given us, and for those, even, which they have lent us, which I hope we shall punctually pay, and be thankful still for the loan; for the fleet and army they sent to America, and for all the important services they did. By other mutual exertions, a dangerous rival to them, and I may be almost warranted in saying an imperious master, both to them and us, has been brought to reason, and put out of the power to do harm

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\* MSS. Dep. of State; 4 Sparks' Dip. Rev. Corr., 53, 8 J. Adams' Works, 93.

to either. In this respect, however, our allies are more secure than we. The House of Bourbon has acquired a great accession of strength, while their hereditary enemy has been weakened one-half, and incurably crippled.

The French are, besides, a good-natured and humane nation, very respectable in arts, letters, arms, and commerce, and, therefore, motives of interest, honor, and convenience, join themselves to those of friendship and gratitude, to induce us to wish for the continuance of their friendship and alliance. The Provinces of Canada and Nova Scotia in the hands of the English are a constant warning to us to have a care of ourselves, and, therefore, a continuance of the friendship and alliance of France is of importance to our tranquillity, and even to our safety. There is nothing which will have a greater effect to overawe the English, and induce them to respect us and our rights, than the reputation of a good understanding with the French. My voice and advice will, therefore, always be for discharging with the utmost fidelity, gratitude, and exactness, every obligation we are under to France, and for cultivating her friendship and alliance by all sorts of good offices. But I am sure that to do this effectually, we must reason with them at times, enter into particulars, and be sure that we understand one another. We must act a manly, honest, independent, as well as a sensible part.

With great respect, I have the honor to be, &c.,

JOHN ADAMS.

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J. Adams to Morris.\*

PARIS, *July 11, 1783.*

SIR: In my letter to you of yesterday I hinted in confidence at an application to the house of Hope. This is a very delicate measure. I was induced to think of it merely by a conversation which M. Van Berckel (who will soon be with you, as he sailed the 26th of June from the Texel) had with M. Dumas. It would be better to be steady to the three houses already employed, if that is possible. You will now be able to converse freely with that minister upon the subject. I should not advise you to take any decisive resolution at Philadelphia, but leave it to your minister to act as shall appear to him best upon the spot. The houses now employed are well esteemed, and I hope will do very well. But no house in the Republic has the force of that of Hope.

All depends, however, upon the measures to be taken by Congress and the States for ascertaining their debts, and a regular discharge of the interest. The ability of the people to make such an establishment cannot be doubted; and the inclination of no man who has a proper sense of public honor can be called in question. The thirteen States, in relation to the discharge of the debts of Congress, must consider

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\* MSS. Dep. of State; 4 Sparks' Dip. Rev. Corr., 52; 8 J. Adams' Works, 92.



themselves as one body animated by one soul. The stability of our Confederation at home, our reputation abroad, our power of defence, the confidence and affection of the people of one State towards those of another, all depend upon it. Without a sacred regard to public justice no society can exist; it is the only tie which can unite men's minds and hearts in pursuit of the common interest.

The commerce of the world is now open to us, and our exports and imports are of so large amount, and our connexions will be so large and extensive that the least stain upon our character in this respect will lose us in a very short time advantages of greater pecuniary value than all our debt amounts to. The moral character of our people is of infinitely greater worth than all the sums in question. Every hesitation, every uncertainty about paying or receiving a just debt, diminishes that sense of moral obligation of public justice, which ought to be kept pure, and carefully cultivated in every American mind. Creditors at home and abroad, the army, the navy, every man who has a well-founded claim upon the public, have an unalienable right to be satisfied, and this by the fundamental principles of society. Can there ever be content and satisfaction? Can there ever be peace and order? Can there ever be industry or decency without it? To talk of a sponge to wipe out this debt, or of reducing or diminishing it below its real value, in a country so abundantly able to pay the last farthing, would betray a total ignorance of the first principles of national duty and interest.

Let us leave these odious speculations to countries that can plead a necessity for them, and where corruption has arrived at its last stages; where infamy is scarcely felt, and wrong may as well assume one shape as another, since it must prevail in some.

I have the honor to be, &c.,

JOHN ADAMS.

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J. Adams to Livingston.\*

PARIS, *July 12, 1783.*

SIR: Reports have been spread that the regency of Algiers has been employed in fitting ships to cruise for American vessels. There are reports, too, that Spain has an armament prepared to attack their town. How much truth there may be in either I can not pretend to say.

Whether Congress will take any measures for treating with these piratical states must be submitted to them. The custom of these courts, as well as those of Asia and Africa, is to receive presents with ambassadors. The grand pensionary of Holland told me that the Republic paid annually to the regency of Algiers a hundred thousand dollars. I hope a less sum would serve for us; but in the present state of our finances it would be difficult to make payment. Mr. Montgomery,

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\* MSS. Dep. of State; 4 Sparks' Dip. Rev. Corr., 55.

of Alicante, has ventured to write a letter to the Emperor of Morocco, in consequence of which his majesty was pleased to give orders to all his vessels to treat American vessels with all friendship. Mr. Montgomery ventured too far, however, in writing in the name of the United States, and what will be the consequences of the deception I know not.

Dr. Franklin lately mentioned to Mr. Jay and me that he was employed in preparing, with the Portuguese ambassador, a treaty between the United States and Portugal. The next ambassador's day at Versailles I asked him if we could be admitted to the Brazils? He said no; they admitted no nation to the Brazils. I asked if we were admitted to the Western Islands? He said he thought Madeira was mentioned. I told him I thought it would be of much importance to us to secure an admission to all the Azores, and to have these islands, or some of them, made a depot for the sugars, coffee, cotton, and cocoa, &c., of the Brazils. He liked this idea, and went immediately and spoke to the ambassador about it. He said the ambassador had told him that they could furnish us with these articles at Lisbon fifteen per cent. cheaper than the English could from their West India Islands.

This treaty, I suppose, will be submitted to Congress before it is signed, and I hope Congress will give a close attention to it, in order to procure an exemption from as many duties as possible, and as much freedom and security of trade in all their ports of Europe and the Western Islands as possible. If any particular stipulations should be necessary concerning the free admission of all the articles of our produce, as rice, wheat, flour, salt fish, or any other, the members of Congress may readily suggest them.

I could wish that the court of Lisbon had sent a minister to Philadelphia to negotiate a treaty there. I wish that advantages may not be lost by this method of preparing treaties here by ministers who have made no particular study of the objects of them.\* Benefits on both sides may escape attention in this way. A good treaty with Portugal is of so much consequence to us, that I should not wonder if Congress should think it necessary to send a minister to Lisbon to complete it.

I have the honor to be, &c.,

JOHN ADAMS.

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J. Adams to Livingston.†

PARIS, July 13, 1783.

SIR: Yesterday Colonel Ogden arrived with the originals of what we had before received in duplicates by Captain Barney. The ratification of the Dutch treaty had been before received and exchanged. The

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\* See the draft of a treaty with Portugal *infra*, following Franklin to Livingston, July 22, 1783.

† MSS. Dep. of State; 4 Sparks' Dip. Rev. Corr., 56.

ratification of their high mightinesses is in the safe custody of M. Dumas, at present at The Hague.

I believe we shall accept of the mediation of the two Imperial courts at the definitive treaty, as it is a mere formality, a mere compliment, consisting wholly in the Imperial ministers putting their names and seals to the parchment, and can have no ill effect. The inclination of the Count de Vergennes seems to be that we should accept it, and as he calls upon us to decide in the affirmative or negative, I believe we shall give an answer in the affirmative.

The Empress has promised to receive Mr. Dana as soon as the definitive treaty shall be signed, and he has prepared a treaty of commerce, which will be valuable if he can obtain it.

The Emperor of Germany has caused to be intimated several ways his inclination to have a treaty of commerce with us; but his rank is so high that his House never makes the first formal advance. I should think it advisable that we should have a treaty with that power for several reasons.

1st. Because, as Emperor of Germany and King of Bohemia and Hungary, he is at the head of one of the greatest interests and most powerful connexions in Europe. It is true it is the greatest weight in the scale which is, and has been, from age to age opposite to the House of Bourbon. But for this very reason, if there were no other, the United States ought to have a treaty of commerce with it, in order to be in practice with their theory, and to show to all the world that their system of commerce embraces equally and impartially all the commercial states and countries of Europe.

2dly. Because the present Emperor is one of the greatest men of this age. The wisdom and virtue of the man as well as of the monarch; his personal activity, intelligence, and accomplishments; his large and liberal principles in matters of religion, government, and commerce, are so much of kin to those of our States (perhaps, indeed, so much borrowed from them and adopted in imitation of them), that it seems peculiarly proper we should show this respect to them.

3dly. Because, that if England should ever forget herself again so much as to attack us, she may not be so likely to obtain the alliance or assistance of this power against us. A friendship once established in a treaty of commerce, this power would never be likely to violate, because she has no dominions near us and could have no interest to quarrel with us.

4thly. Because the countries belonging to this power upon the Adriatic Sea and in the Austrian Flanders are no inconsiderable sources of commerce for America. And if the present negotiations between the two Imperial courts and the Porte shall terminate in a free navigation of the Danube, the Black Sea, and the Archipelago, the Emperor's hereditary dominions will become very respectable commercial countries.

5thly. Because, although we have at present a pleasant and joyful prospect of friendship and uninterrupted alliance with the House of Bourbon, which I wish may never be obscured, yet this friendship and alliance will be the more likely to continue unimpaired for our having the friendship and commerce of the House of Austria. And (as in the vicissitudes of human affairs all things are possible) if in future times, however unlikely at present, the House of Bourbon should deal unjustly by us, demand of us things we are not bound to perform, or any way injure us, we may find in the alliance of Austria, England, and Holland, a resource against the storm. Supernumerary strings to our bow, and provisions against possible inconveniences, however improbable, can do us no harm.

If we were not straitened for money, I should advise Congress to send a minister to Vienna. But as every mission abroad is a costly article, and we find it difficult, at present, to procure money for the most necessary purposes, I should think it proper for Congress to send a commission to their minister at Versailles, London, Madrid, Petersburg, or The Hague, who might communicate it to the court of Vienna, by means of the Imperial ambassador. The Emperor in such a case would authorize his ambassador at that court to prepare and conclude a treaty, and in this way the business may be well done, without any additional expense.

M. Favi, *chargé d'affaires* of the Grand Duke of Tuscany, the Emperor's brother, has called upon me so often to converse with me upon this subject that I doubt not he has been employed, or at least knows that it would be agreeable to his court and their connexions, although he has never made any official insinuations about it. This gentleman has been employed by the Republic of Ragusa to consult American ministers upon the subject of commerce too. I have told him that the American ports were open to the Ragusan vessels, as well as to all others, and have given him the address by which they propose to write to Congress.

I have the honor to be, &c.,

JOHN ADAMS.

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J. Adams to Livingston.\*

PARIS, July 14, 1783.

SIR: A jealousy of American ships, seamen, carrying trade, and naval power, appears every day more and more conspicuous. This jealousy, which has been all along discovered by the French minister, is at length communicated to the English. The following proclamation, which will not increase British ships and seamen in any proportion as it will diminish those of the United States, will contribute effectually to make

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\* MSS. Dep. of State; 4 Sparks' Dip. Rev. Corr., 58; 8 J. Adams' Works, 97.

America afraid of England, and attach herself more closely to France. The English are the dupes and must take the consequences.

This proclamation is issued in full confidence that the United States have no confidence in one another; that they can not agree to act in a body as one nation; that they can not agree upon any navigation act which may be common to the thirteen States. Our proper remedy would be to confine our exports to American ships, to make a law that no article should be exported from any of the States in British ships, nor in the ships of any nation, which will not allow us reciprocally to import their productions in our ships. I am much afraid there is too good an understanding upon this subject between Versailles and St. James.

Perhaps it may be proper for Congress to be silent upon this head until New York, Penobscot, &c., are evacuated. But I should think that Congress would never bind themselves by any treaty built upon such principles. They should negotiate, however, without loss of time, by a minister in London. A few weeks' delay may have unalterable effects.

PROCLAMATION AT THE COURT OF ST. JAMES, THE 2D OF JULY, 1783.

Present, the King's most excellent majesty in council.

Whereas by an act of Parliament, passed this session, entitled "An act for preventing certain instruments from being required from ships belonging to the United States of America, and to give his majesty, for a limited time, certain powers for the better carrying on trade and commerce between the subjects of his majesty's dominions and the inhabitants of the said United States," it is amongst other things enacted, that, during the continuance of the said act, "it shall and may be lawful for his majesty in council, by order or orders to be issued and published from time to time, to give such directions, and to make such regulations with respect to duties, drawbacks, or otherwise, for carrying on the trade and commerce between the people and territories belonging to the crown of Great Britain, and the people and territories of the said United States, as to his majesty in council shall appear most expedient and salutary, any law, usage, or custom to the contrary notwithstanding," his majesty doth, therefore, by and with the advice of his privy council, hereby order and direct, that pitch, tar, turpentine, hemp and flax, masts, yards, and bowsprits, staves, heading, boards, timber, shingles, and all other species of lumber; horses, neat cattle, sheep, hogs, poultry, and all other species of live stock and live provisions; peas, beans, potatoes, wheat, flour, bread, biscuit, rice, oats, barley, and all other species of grain, being the growth or production of any one of the United States of America, may, until further order, be imported by British subjects in British-built ships, owned by his majesty's subjects, and navigated according to law, from any port of the United States of America to any of his majesty's West India Islands; and that rum, sugar, molasses, coffee, cocoa-nuts, ginger, and pimento, may, until further order, be exported by British subjects, in British-built ships, owned by his majesty's subjects, and navigated according to law, from any of his majesty's West India Islands, and to any port or place within the said United States, upon payment of the same duties on exportation, and subject to the like rules, regulations, securities, and restrictions, as the same articles by law are, or may be subject and liable to, if exported to any British colony or plantation in America. And the right honorable the lords commissioners of his majesty's treasury, and the lords commissioners of the admiralty, are to give the necessary directions herein, as to them may respectively appertain.

STEPHEN COTTRELL.

One of the most remarkable things in this proclamation is the omission of salt-fish, an article which the islands want as much as any that is enumerated. This is, no doubt, to encourage their own fishery, and that of Nova Scotia, as well as a blow aimed at ours. There was, in a former proclamation concerning the trade between the United States and Great Britain, an omission of the articles of *potash* and *pearlash*. These omissions discover a *choice love* for New England. France, I am afraid, will exclude fish too, and imitate this proclamation but too closely; if, indeed, this proclamation is not an imitation of their system, adopted, as I believe it is, upon their advice and desire.

These, however, are impotent efforts. Without saying, writing, or resolving anything suddenly, let us see what remedies or equivalents we can obtain from Holland, Portugal, and Denmark. Let us bind ourselves to nothing—reserve a right of making navigation acts when we please, if we find them necessary or useful. If we had been defeated of our fisheries, we should have been wormed out of all our carrying-trade, too, and should have been a mere society of cultivators, without any but a passive trade. The policy of France has succeeded, and laid, in these proclamations, if persisted in, the sure source of another war between us and Great Britain.

The English nation is not, however, unanimous in this new system, as Congress will see by the enclosed speculation,\* which I know to have been written by a confidential friend of my Lord Shelburne—I mean Mr. Benjamin Vaughan. This minister is very strong in the House of Lords; and Mr. Pitt, in the House of Commons, has attached to him many members in the course of this session. If that set should come in again we shall have a chance of making an equitable treaty of commerce. To this end a minister must be ready; and I hope, in mercy to our country, that such an opportunity will not be lost in delays, in compliance to our allies.

I have the honor to be, &c.,

JOHN ADAMS.

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Franklin to Vergennes.†

PASSY, *July 14, 1783.*

SIR: I have the honor to communicate to your excellency, by order of Congress, their resolution of the 2d May. It will explain itself; and I can add no arguments to enforce the request it contains which I have not already urged with an importunity that nothing but a sense of duty could oblige me to use, when I see so clearly that it is painful to you as well as to me. I confide also much more in the representation M. de la Luzerne has probably made to you of the affairs. I will only say that

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\* This paper is missing.

† MSS. Dep. of State; 8 Bigelow's Franklin, 302.

from a perfect knowledge I have of their present situation, no favor of the kind from his majesty could ever be more essentially serviceable to the United States, or make a more lasting impression.

I send withal an address the Congress has just made to the several States, wherein you will see the steps they are taking to procure the necessary funds for answering all engagements, in which I have no doubt they will succeed. Your excellency will also see there the manner in which I have written on the subject; and you will find that the contract of July last was ratified, and with expressions of gratitude, in January last, though the original ratification is not yet come to hand.

With great respect, etc.,

B. FRANKLIN.

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J. Adams to Livingston.\*

PARIS, *July 14, 1783.*

SIR: The United States of America have propagated far and wide in Europe the ideas of the liberty of navigation and commerce. The powers of Europe, however, cannot agree, as yet, in adopting them in their full extent. Each one desires to maintain the exclusive dominion of some particular sea or river, and yet to enjoy the liberty of navigating all others. Great Britain wishes to preserve the exclusive dominion of the British seas, and, at the same time, to obtain of the Dutch a free navigation of all the seas in the East Indies. France has contended for the free use of the British and American seas; yet she wishes to maintain the Turks in their exclusive dominion of the Black Sea, and of the Danube, which flows into it through some of their provinces, and of the communication between the Black Sea and the Archipelago, by the Dardanelles. Russia aims at the free navigation of the Black Sea, the Danube, and the passage by the Dardanelles, yet she contends that the nations which border on the Baltic have a right to control the navigation of it. Denmark claims the command of the passage of the Sound, and by the late marine treaty between the neutral powers it was agreed that the privateers of all the belligerent powers should be excluded from the Baltic. France and Spain, too, begin to talk of an exclusive dominion of the Mediterranean, and of excluding the Russian fleet from it; or, at least, France is said to have menaced Russia with a fleet of observation in the Mediterranean to protect her commerce to the trading sea-port towns of the Levant. But, as England possesses Gibraltar and the Emperor of Morocco the other side of the Straits, France and Spain can not command the entrance; so that it will be difficult for them to support their pretensions to any exclusive dominion of the Mediterranean upon the principle on which the northern powers claim that of the Baltic and the Porte the passage of the Dardanelles.

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\*MSS. Dep. of State; 4 Sparks' Dip. Rev. Corr., 61.

France, at present, enjoys a large share of the trade to the Levant. England has enjoyed a share, too, and wishes, no doubt, to revive it. The Emperor and the Empress, if they succeed in their views of throwing open the Danube, Black Sea, and the Archipelago, will take away from France and England a great part of this trade; but it is not likely that England will join with France in any opposition to the Emperor and Empress.

In order to judge of the object which the two empires have in view, we should look a little into the geography of those countries.

The project of setting at liberty the whole country of ancient Greece, Macedonia and Illyricum, and erecting independent republics in those famous seats, however splendid it may appear in speculation, is not likely to be seriously entertained by the two empires, because it is impracticable. The Greeks of this day, although they are said to have imagination and ingenuity, are corrupted in their morals to such a degree as to be a faithless, perfidious race, destitute of courage, as well as of those principles of honor and virtue without which nations can have no confidence in one another, nor be trusted by others.

The project of conquering the provinces of Albania, Romelia, Wallachia, Moldavia, and Little Tartary from the Turks, and dividing them between the two empires, may be more probable; but the Turks, in Asia and Europe together, are very powerful, and, if thoroughly awakened, might make a great resistance; so that it is most probable the two Imperial courts would be content, if they could obtain, by negociation or by arms, the free navigation of the Danube, Black Sea, and Archipelago. This freedom alone would produce a great revolution in the commerce of Europe. The river Don, or Tanais, with its branches, flows through the Ukraine, and a considerable part of the Russian dominions, into the Black Sea. The Danube flows very near Trieste, through the kingdom of Hungary, and then through a Turkish province into the Black Sea. If, therefore, the Black Sea and the Danube only were free, a communication would be immediately opened between Russia and Hungary quite to Trieste, to the great advantage of both empires. But if, at the same time, the passage of the Dardanelles was laid open, all the Levant trade would be opened to the two empires, and might be carried to Trieste, either by the Danube or through the Archipelago and the Gulf of Venice. This would be such an accession of wealth, commerce, and naval power to the two empires as France is jealous of, and may be drawn into a war to prevent.

It is a question how the King of Prussia will act. It is the general opinion that, as he is advanced in years, loves and enjoys his laurels and his ease, and cannot hope to gain any thing by the war, he will be neuter. If he is, the issue cannot be foreseen. The Emperor is vastly powerful, and his preparations are immense. Perhaps France may not think it prudent to declare war. I should be sorry to see her again



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involved in a war, especially against the principles she has lately espoused with so much glory and advantage.

For my own part, I think nature wiser than all the courts and states in the world, and, therefore, I wish all her seas and rivers upon the whole globe free, and am not at all surprised at the desire of the two empires to set those near them at liberty.

I think, however, that whatever turn these negotiations may take, they cannot directly affect us, although we may be remotely interested in the freedom of the Levant trade, and of the seas and rivers in the neighborhood of it.

I have the honor to be, &c.,

JOHN ADAMS.

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J. Adams to Livingston.\*

PARIS, *July 15, 1783.*

SIR: Enclosed are copies of papers which have passed between Mr. Hartley and the American ministers. We have not thought it prudent to enter into any written controversy with him upon any of these papers. We have received whatever he has offered us. But he has offered nothing in the name of his court, has signed nothing, and upon inquiry of him we have found that he has never had authority to sign officially any proposition he has made.

I think it is evident that his principals, the coalition, do not intend to make any agreement with us about trade, but to try experiments by their proclamations. I think, too, that they mean to postpone the definitive treaty as long as possible. We can get no answer, and I believe Mr. Hartley gets no decisive answers to any thing.

Enclosed, also, is a pamphlet entitled "*Observations on the American States*," said to have been published by Lord Sheffield, and to have been composed by four American renegadoes. The spirit of it needs no comments. It deserves to be attended to, however, by Congress. It is a fatal policy, as it appears to me, to see a British ambassador at Versailles, and a French ambassador at St. James', and no American minister at the latter. This is admired at Versailles, I doubt not, but not because they think it for our interest.

I have the honor to be, with great respect, sir, etc.,

JOHN ADAMS.

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\*MSS. Dep. of State; 4 Sparks' Dip. Rev. Corr., 64.

**Boudinot, President of Congress, to the Ministers Plenipotentiary of the United States at Paris.\***

PRINCETON, *July 15, 1783.*

GENTLEMEN: As Congress have not yet elected any minister for foreign affairs, and knowing the importance of your being fully informed of every public transaction relative to these States, I have concluded that you would not think it amiss to hear from me on the subject of the removal of Congress to this place, though I can not consider this communication as official, but merely for your information in my individual capacity.

The state of our finances making it indispensably necessary to abridge the public expenses in every instance that would not endanger the Union, we concluded to reduce the army by discharging all the soldiers enlisted for the war, with a proportionate number of officers, on condition that the discharge should operate no otherwise than as a furlough, until the ratification of the definitive treaty.

This not only eased us of a heavy disbursement of ready cash for subsistence money and rations, but gratified many of the army who wished to be at home in the early part of the summer, to provide for the following winter. Three months' pay was ordered which could not otherwise be complied with, but by a paper anticipation of the taxes, payable in six months.

By an inevitable accident, the notes did not arrive at the army till six days after the soldiers were discharged and had left the camp. This, together with some difficulty in settling their accounts, created an uneasiness among the troops, but by the General's address and the good conduct of the officers, they all retired peaceably to their different States, though without a single farthing of cash to buy themselves a meal of victuals.

In the barracks in Philadelphia and at Lancaster, in the State of Pennsylvania, there were a number of new recruits, who had been enlisted since the months of December and January last, and who had not yet taken the field; these soldiers having not been brought under any regular discipline, made many objections against accepting their discharges, and gave their officers reasons to fear some difficulty in getting rid of them; but the Secretary at War thought he had satisfied them by assuring them of the like pay with the rest of the army. On the 15th of June a petition was received from the sergeants, requiring a redress of their grievances, in a very turbulent and indecent style, of which no notice was taken; but on the 18th we received the letters † Nos. 1 and 2. A committee was immediately appointed to confer with the executive council of Pennsylvania, and to endeavor to get them to call out the militia to stop the mutineers; but to no purpose; the

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\* MSS. Dep. of State; 1 Sparks' Dip. Corr. of United States, 6.

† Letters from Colonel Butler and Colonel Henry, on the files of Congress.

council thinking that the citizens would not choose to risk themselves when fair means might do. The first report of the committee contained in No. 3\* will show their proceedings. On the 19th the troops arrived and joined those at the barracks in the city, who had been increased in number by a few companies of old soldiers arrived the day before from Charles Town. The whole being very orderly and quiet, Congress adjourned on Friday the 20th, as usual, till Monday morning. On the 21st one of the committee called on me and informed that the soldiers at the barracks were very disorderly and had cast off the authority of their officers; that it was suspected they had a design, the following night, against the bank, and advised me to call Congress without delay. This I did, to meet in half an hour. The soldiers by accident hearing of it, very fortunately hastened their designs a day or two sooner than was intended. The members of Congress had just got together, except one, when the State House (in which also the President and Supreme Executive Council were then sitting) was surrounded by about three hundred armed men with fixed bayonets under the command of seven sergeants. Congress immediately sent for General St. Clair and demanded the reason of this hostile appearance, who informed of his having just arrived in town from his seat in the country in obedience to the orders of Congress of the day preceding; that he had received information from the commanding officer of the mutinous disposition of the troops, who had marched from the barracks contrary to the orders of their officers, and that the veteran troops from Charles Town had been unwillingly forced into the measure. The president of the State then appeared, and produced the insolent paper of which No. 4† is a copy, which had been sent into him by the sergeants.

Congress determined they would enter on no deliberations while thus surrounded, but ordered General St. Clair immediately to endeavor to march the mutineers back to the barracks by such means as were in his power.

After several prudent and wise measures the General prevailed on the sergeants to return to their barracks, convincing them that if they were aggrieved they had a right to make it known in a decent manner through any persons they might think proper to appoint. But previous to this, after waiting, surrounded by this armed force for near three hours, Congress broke up and we passed through the files of the mutineers without the least opposition, though at times before our adjournment the soldiers, many of whom were very drunk, threatened Congress by name.

The mutineers had taken possession of the powder house and several public arsenals in this city, with some field pieces from the public yard.

In the evening Congress met and made a House and came to the

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\* See journals of Congress, July 1, 1783.

† Message to Council by the sergeants.

resolutions contained in No. 5,\* and broke up without adjournment. The committee, not being able to meet the council till Sunday morning, were then prevailed on to wait for an answer till Monday morning, and then received the answer contained in the 2d report, No. 6.†

However, hoping that the council would change their sentiments, the committee did not think proper to give me their advice till Tuesday at two o'clock in the afternoon. In the mean time the mutineers kept in arms, refusing all obedience to their officers, and in possession of the powder house and magazines of military stores. On Tuesday morning the officers reported to me that the preceding evening the sergeants, notwithstanding some talk of submission and return to their duty, had presented six officers with a commission each, as in No. 7,‡ and one refusing to accept it, they threatened him with immediate death; and that, at the time of the report, they were getting very drunk and in a very riotous state. By the second report of the committee you will be acquainted with the particulars of the transaction, with the addition that the behavior of the six officers was very mysterious and unaccountable. At two o'clock, agreeably to the advice of the committee, I summoned Congress to meet at this place on Thursday the 26th of June, issued the proclamation No. 8, and left the city.

As soon as it was known that Congress was going, the council were informed that there was great reason to expect a serious attack on the bank the night following, on which the president of the State collected about one hundred soldiers and kept guard all night. On Wednesday it was reported that Congress had sent for the commander in chief with the whole northern army and the militia of New Jersey, who were to be joined by the Pennsylvania militia, in order to quell the mutiny, which was no otherwise true than ordering a detachment of a few hundred men from the North River. The sergeants, being alarmed, soon proposed a submission, and the whole came in a body to the president of the State, making a most submissive acknowledgment of their misconduct, and charging the whole on two of the officers, whom they had commissioned to represent their grievances [a Captain Carbery and Lieutenant Sullivan,] who were to have headed them as soon as they should have proceeded to violences. These officers immediately escaped to Chester and then got on board of a vessel bound to London. The sergeants describe the plan laid by these officers as of the most irrational and diabolical nature, not only against Congress and the council, but also against the city and bank. They were to be joined by straggling parties from different parts of the country, and after executing their horrid purposes were to have gone off with their plunder to the East Indies. However incredible this may appear, the letters No. 9 and 10,‡ from [Sullivan] to Colonel [Moyland], his commanding officer, from Chester and the capes, clearly show that it was a deep-laid scheme. It

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\* 9 Resolutions of Saturday, June 21.

† See files of Congress.

‡ See Journals, July 1.

appears clearly to me that, next to the continued care of Divine Providence, the miscarriage of this plan is owing to the unexpected meeting of Congress on Saturday, and their decided conduct in leaving the city until they could support the Federal Government with dignity.

It is also said that two of the citizens have been concerned in this wicked plot, but they are not yet ascertained. They were certainly encouraged by some of the lower class as well as by the general supineness in not quelling the first movement. Some very suspicious circumstances attending the conduct of the other four officers, who were commissioned by the sergeants, have caused them to be arrested. The whole matter has so far subsided. The detachment under General Howe, from the northern army, has arrived in the vicinity of the city, and a court of enquiry is endeavoring to develope the whole affair.

The citizens are greatly chagrined at the predicament in which they stand, and endeavor to lay the blame on the council for not calling on them and proving them, while the council justify themselves by the advice of the militia officers, whom they called together for that purpose. The citizens are universally petitioning Congress to return to the city, assuring us of their constant protection.

You will excuse me for tiring you with so circumstantial an account, which nothing but the necessity of presenting the many falsehoods that are generally propagated on these occasions and the propriety of your being well informed would ever have justified me in.

I do myself the honor to send herewith the newspapers, and particularly a circular letter of General Washington to the different States, which in my opinion gives the finishing stroke to his inimitable character.

I have committed this letter to the care of my younger brother, who is bound for London, having been in the merchant service at that port for several years, but who, I have the best evidence, is well attached to the interests of this country, and who can inform you of many particulars relating to the state of things here.

I have the honor to be, &c.,

E. B.

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Crocco to Franklin.\*

CADIZ, *July 15, 1783.*

SIR: His Imperial majesty the Emperor of Morocco did me the honor to appoint me to be the bearer of his answer to the United Provinces of North America, with which he is willing to sign a treaty of peace and commerce, and in consequence has already given orders to his captains of men-of-war not to molest on the open seas the American vessels, which agreeable news I have already given to Mr. Richard Harrison. According to my instructions, I am to accompany to the court of Mo-

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\* 2 Sparks' Dip. Rev. Corr., 462.

rocco the ambassador that will be appointed to conclude the treaty of peace. I presume that your excellency is already acquainted that the travelling expenses and other charges of ambassadors or envoys sent to Europe by the Emperor of Morocco are to be paid by the court or republic which demands his friendship. In a few days I intend to set out for Madrid, where I will remain till I receive your excellency's answer to this letter, directed to William Carmichael, the United States *chargé d'affaires* at the court of Spain, who, I make no doubt, will receive orders to supply me with the money I may want on the occasion.

As soon as I arrive at Paris I shall have the satisfaction to entertain at large your excellency on the present negotiation, not doubting it will soon be concluded to the advantages of both courts.

In the mean time I remain, most truly, sir, &c.,

GIACOMO FRANCISCO CROCCO.

P. S.—I was obliged to call on a friend to write you this letter in English, otherwise I could only do it in the Italian language.

G. F. C.

**Morris' Report to Congress relative to the Pay of the Army.\***

OFFICE OF FINANCE, *July 15, 1783.*

The superintendent of finance, to whom was referred, on the 11th instant, the extract of a report, with order to report thereon, and also to report what measure he has taken relative to the pay of the army, begs leave to report:

That the receivers in the several States have long since been instructed to take all notes signed by the superintendent of finance in payment of the taxes, and also take up all such notes whenever tendered if they have public money in their hands.

That when it was in contemplation to make a payment to the army the committee who conferred with the superintendent on that subject were informed that it could only be done in notes, and that in order to support the credit of such notes it would not be sufficient that they should only be receivable in taxes in some particular State, but that the receivers throughout the States must receive and exchange them in like manner with other notes issued from the office of finance.

That the instruction to the receivers is generally known to all those who are concerned in the business they relate to, and in consequence thereof the receivers are in the constant practice of receiving and exchanging notes signed by the superintendent of finance, which they duly remit to the Treasury.

That whenever they shall find it difficult to obtain such notes for the purpose of making their remittances (which is not likely to be the case in any short period), they will naturally advertise to obtain them.

\* MSS. Dep. of State; 6 Sparks' Dip. Rev. Corr., 622.

Wherefore any general notification, such as is contained in the extract committed, will be unnecessary.

That if such publication as is recommended were confined (as seems to have been the idea) to those notes which have been issued for payment of the army, it would destroy what little credit is at present reposed in the public servants, and by bringing home immediately all other notes which have been issued render it impracticable to discharge them; in which case the notes issued to the army could be of no use, because nobody would take them. The importance of preserving credit in this respect will appear from the preamble to an act of Congress of the 2d of May last: That if (as is most probable) the publication were intended to relate alike to all notes, it is a thing which is already well known, and therefore the expense of printing may be spared.

With respect to the measures taken relative to paying the army, he begs leave to report that upon an estimate from the War Office, he signed warrants for four months' pay of the present year, whereof one month's pay has been made to the non-commissioned officers and privates in specie and to the officers in notes, and three months' pay to both officers and soldiers in notes; that the paymaster has not yet received all the notes necessary for the purpose, but has in his hands as many as he wants for the present.

All which is humbly submitted.

ROBERT MORRIS.

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J. Adams to Livingston.\*

PARIS, *July 16, 1783.*

SIR: Yesterday we waited on the Count de Vergennes at Versailles, and showed him the project of a letter to the ministers of the two Imperial courts, which he read and approved. We told him that we were at a loss what might be the effect of the mediation; possibly we might be involved in difficulties by it; possibly the British ministers might persuade the mediators to offer us their advice upon some points respecting the royalists for example, which we could not comply with. The Count said that he had told them that as soon as he had fully agreed with England upon all points their mediation should be accepted, and they should sign the treaty as such; and we might agree to it in the same manner. He said we were not obliged to this, but as they were to be present and sign one treaty, it would look better to sign both. It would be a very notorious, public, and respectable acknowledgment of us as a power by those courts. Upon this footing we left the letter with him to be shown to the Imperial ministers.

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\* MSS. Dep. of State; 4 Sparks' Dip. Rev. Corr., 64, with verbal changes; 8 J. Adams' Works, 99.

We asked the Comte if he had seen the British proclamation of the 2d of July. He answered that he had. I asked him if the King had determined anything on the subject of salt provisions and salt fish, whether we might import them into his islands. He said we might depend upon it they could not supply their islands with fish, that we had two free ports in their islands, St. Lucia and a port in Martinique. By the thirty-second article of the treaty of commerce these free ports are secured to us; nothing, he said, was determined concerning salt beef and pork, but the greatest difficulty would be about flour. I told the Comte that I did not think it would be possible either for France or England to carry on the commerce between the islands and continent; it was profitable to us only as it was a part of a system; that it could not be carried on without loss in large vessels navigated by many seamen, which could sail only at certain seasons of the year, &c. Upon the whole, I was much pleased with this conversation, and conclude from it that we shall do very well in the French West India Islands, perhaps the better in them the worse we are treated by the English.

The Dutch and Danes will, I doubt not, avail themselves of every error that may be committed by France or England. It is good to have a variety of strings to our bow; and, therefore, I wish we had a treaty of commerce with Denmark, by which a free admission of our ships into their ports in the West Indies might be established. By means of the Dutch, Danes, and Portuguese, I think we shall be able to obtain finally proper terms of France and England.

The British proclamation of the 2d of this month is the result of refugee politics; it is intended to encourage Canada and Nova Scotia in their fisheries, to support still the ruins of their navigation act, and to take from us the carriage even of our own productions. A system which has in it so little respect for us, and is so obviously calculated to give a blow to our nurseries of ships and seamen, could never have been adopted but from the opinion that we had no common legislature for the government of commerce.

All America, from the Chesapeake to St. Croix, I know love ships and sailors, and those parts to the southward of that bay have advantages for obtaining them when they will; and, therefore, I hope the thirteen States will unite in some measures to counteract this policy of Britain, so evidently selfish, unsocial, and I had almost said, hostile. The question is, what is to be done? I answer, perhaps it will be most prudent to say little about it at present, and until the definitive treaty is signed and the States evacuated; but after that, I think in the negotiation of a treaty of commerce with Great Britain, Congress should tell them that they have the means of doing justice to themselves. What are these means? I answer, let every State in the Union lay on a duty of five per cent. on all West India articles imported in British ships, and upon all their own productions exported in British ships. Let this impost be limited in duration until Great Britain shall allow our ves-



sels to trade to their West Indies. This would effectually defeat their plan and encourage our own carrying trade more than they can discourage it.

Another way of influencing England to a reasonable conduct is to take some measures for encouraging the growth in the United States of West India articles; another is to encourage manufactures, especially of wool and iron among ourselves. As tilt hammers are now not unlawful, and wool may be water-borne, much more may be done now than could have been done before the war. But the most certain method is to lay duties on exports and imports by British ships. The sense of a common interest and common danger, it is to be hoped, will induce a perfect unanimity among the States in this respect. There are other ways of serving ourselves and making impressions upon the English to bring them to reason. One is to send ships immediately to China. This trade is as open to us as to any nation, and if our natural advantages at home are envied us we should compensate ourselves in any honest way we can.

Our natural share in the West India trade is all that is now wanting to complete the plan of happiness and prosperity of our country. Deprived of it we shall be straitened and shackled in some degree. We can not enjoy a free use of all our limbs without this; with it I see nothing to desire, nothing to vex or chagrin our people, nothing to interrupt our repose, or keep up a dread of war.

I know not what permission may be expected from Spain to trade to the Havana, but should think that this resource ought not to be neglected.

I confess I do not like the complexion of British politics. They are mysterious and unintelligible. Mr. Hartley appears not to be in the secret of his court. The things which happen appear as unexpected to him as to us. Political jealousies and speculations are endless. It is possible the British ministers may be secretly employed in fomenting the quarrel between the two Imperial courts and the Porte, and in secretly stirring up the French to join the Turks in the war. The prospect of seeing France engaged in a war may embolden them to adopt a system less favorable to us. The possibility of these things should stimulate us, I think, to form as soon as possible treaties of commerce with the principal powers, especially the Imperial courts, that all our questions may be decided. This will be a great advantage to us, even if we should afterwards be involved in a war. I put this supposition with great reluctance. But if England should, in the course of a few years or months, have the art to stir up a general war in Europe, and get France and Spain seriously involved in it, which is at least a possible case, she may assume a tone and conduct towards us which will make it very difficult for us to avoid taking a part in it. If such a deplorable circumstance should take place, it will be still a great advantage to us to have our sovereignty explicitly acknowledged by these

powers, against whom we may be unfortunately obliged to act. At present they are all disposed to it, and seem desirous of forming connections with us, that we may be out of the question.

The politics of Europe are such a labyrinth of profound mysteries that the more one sees of them the more causes of uncertainty and anxiety he discovers.

The United States will have occasion to brace up their confederation, and act as one body with one spirit. If they do not, it is now very obvious that Great Britain will take advantage of it in such a manner as will endanger our peace, our safety, and even our very existence.

A change of ministry may, but it is not certain that it will, give us better prospects.

I have the honor to be, etc.,

JOHN ADAMS.

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Jay to G. Morris.\*

PASSY, *July 17, 1783.*

DEAR MORRIS: By this time I suppose there is much canvassing for foreign appointments. I thank you for thinking of me, but as I mean to return in the spring, your arrangements, so far as respects me, must be altered. Upon this point I am decided, and beg of you to tell my friends so.

Orders are gone to evacuate New York. The present British ministry are duped, I believe, by an opinion of our not having decision and energy sufficient to regulate our trade, so as to retaliate their restrictions. Our ports were opened too soon. Let us, however, be temperate as well as firm. Our friend Morris, I suspect, is not a favorite of this court. They say he treats them as his cashier. They refuse absolutely to supply more money. Marbois writes tittle-tattle, and I believe does mischief. Congress certainly should remove to some interior town, and they should send a minister forthwith to England. The French ambassador at Petersburg has thrown cold water on Dana's being received before a peace.†

The ministers of this court are qualified to act the part of Proteus. The nation, I think, is with us, and the King seems to be well disposed. Adieu.

Yours, sincerely,

JOHN JAY.

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\* 2 Jay's Life, 120.

† Thus, it now appears, the opposition to Dana's reception was from Harris, the British minister, as his letters show. Verac, the French minister, did the best he could for Dana.

JULY 17, 1783.

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Laurens to Franklin.\*

BATH, *July 17, 1783.*

DEAR SIR: I have but this moment, 1 o'clock p. m., been honored with your letter of the 6th instant, it has been long in its passage. I must endeavor to make more expedition in complying with your wish to return as soon as possible to Paris. I had flattered myself with hopes of being free.

As 'tis possible, nay probable, that I shall be with you as soon as this, 'tis unnecessary to enlarge; indeed I have not time, for I mean to begin my journey to-morrow morning. I purpose to go from St. Denis to Passy, where I hope to have the honor on the 24th or 25th of repeating how truly I am, sir, your most obedient and most humble servant.

HENRY LAURENS.

We, meaning this little family, present most respectful salutes to yourself, Mr. and Mrs. Jay, and our good friend Mr. Franklin, jun., and also to Miss Maria.

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H. Laurens to Livingston.†

BATH, *July 17, 1783.*

SIR: My present address will be accompanied by a copy of my last of the 27th of June, to which I beg leave to refer. The enclosed proclamation of the 2d of July, in the London Gazette of the 12th, seems to complete a commercial treaty with America on the part of Great Britain, "until further order." I am informed Mr. David Hartley is soon expected from Paris, without having made any treaty with the American ministers. I speak from report, but have received no advices from my colleagues.

This will be delivered to you by Thomas Carpenter, who is going with three other persons, under the auspices of Rev. Mr. Wells, of Broomsgrove, to offer themselves as settlers and citizens in the United States. Mr. Wells and his concerns are strongly recommended to me by Dr. Price, and by the Rev. Mr. Wrenn, of Portsmouth. Upon this ground, permit me to crave your countenance and protection in favor of Mr. Carpenter and his associates. I was informed yesterday (and though by pretty good authority, I speak only as from report) that Mr. Silas Deane, who has been in London about four months, has been an active hand in chalking out a treaty of commerce for us. I shall know more of this when I get to London, some ten days hence. I have not yet fully recovered my health, but am nevertheless taking measures for embarking early in October.

I have the honor to be, &c.,

HENRY LAURENS.

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\* MSS. Dep. of State.

† MSS. Dep. of State; 1 Sparks' Dip. Rev. Corr., 747.

Laurens to Livingston.\*

BATH, *July 17, 1783.*

SIR: A few hours after I had despatched an address to you of the present date, by the hands of Mr. Carpenter, who, I hope, will also be the bearer of this, I received a letter from Dr. Franklin, in which he writes: "I want you here on many accounts, and should be glad of your assistance in considering and answering our public letters; there are matters in them of which I can not conveniently give you an account at present." Although I had flattered myself with the hope of being free, and however so long a journey at the present season may further impair my health, and the delay derange my measures for embarkation, I must not refuse to obey such a call. I shall begin my journey to-morrow morning, and, barring accidents, be in Paris in seven days, or sooner.

I have the honor to be, with the highest respect, &c.,

HENRY LAURENS.

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J. Adams, Franklin, and Jay to Hartley.†

PASSY, *July 17, 1783.*

SIR: We have the honor to inform you that we have just received from Congress their ratification, in due form, of the provisional articles of the 30th of November, 1782, and we are ready to exchange ratifications with his Britannic majesty's ministers as soon as may be.

By the same articles it is stipulated that his Britannic majesty shall, with all convenient speed, and without causing any destruction or carrying away any negroes or other property of the American inhabitants, withdraw all his armies, garrisons, and fleets from the United States, and from every port, place, and harbor within the same. But, by intelligence lately received from America, and by the enclosed copies of letters and conferences between General Washington and Sir Guy Carleton, it appears that a considerable number of negroes belonging to the citizens of the United States have been carried off from New York, contrary to the express stipulation contained in the said article. We have received from Congress their instructions to represent this matter to you, and to request that speedy and effectual measures be taken to render that justice to the parties interested which the true intent and meaning of the article in question plainly dictates.

We are also instructed to represent to you that many of the British debtors in America have, in the course of the war, sustained such considerable and heavy losses by the operations of the British arms in that country that a great number of them have been rendered incapable

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\* 1 Sparks' Dip. Rev. Corr., 748.

† MSS. Dep. of State; 5 Sparks' Dip. Rev. Corr., 519.

of immediately satisfying those debts; we refer it to the justice and equity of Great Britain so far to amend the article on that subject as that no execution shall be issued on a judgment to be obtained in any such case, but after the expiration of three years from the date of the definitive treaty of peace. Congress also think it reasonable that such part of the interest which may have accrued on such debts during the war shall not be payable, because all intercourse between the two countries had during that period become impracticable as well as improper. It does not appear just that individuals in America should pay for delays in payment which were occasioned by the civil and military measures of Great Britain. In our opinion, the interest of the creditors as well as the debtors requires that some tenderness be shown to the latter, and that they should be allowed a little time to acquire the means of discharging debts which, in many instances, exceed the whole amount of their property.

As it is necessary to ascertain an epocha for the restitutions and evacuations to be made, we propose that it be agreed that his Britannic majesty shall cause to be evacuated the posts of New York, Penobscot, and their dependencies, with all other posts and places in possession of his majesty's arms within the United States, in the space of three months after the signature of the definitive treaty, or sooner, if possible, excepting those posts contiguous to the water-line mentioned in the 4th proposition, and those shall be evacuated when Congress shall give the notice therein mentioned.

We do ourselves the honor of making these communications to you, sir, that you may transuit them, and the papers accompanying them, to your court, and inform us of their answer.

We have the honor to be, &c., &c.,

JOHN ADAMS.  
B. FRANKLIN.  
JOHN JAY.

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J. Adams to Livingston.\*

PARIS, *July 17, 1783.*

SIR: Last evening Mr. Hartley spent two hours with me, and appeared much chagrined at the proclamation, which had never been communicated to him by his principals. He has too much contempt of the commercial abilities of the French, and, consequently, said that the French could derive but little benefit from this step of his court, but he thought the Dutch would make a great advantage of it. I endeavored to discover from him whether he suspected that his court had any hand in stirring up the two Imperial courts to make war upon the

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\* MSS. Dep. of State; 4 Sparks' Dip. Rev. Corr., 68, with verbal changes; 8 J. Adams' Works, 103.

Turks. I asked him what was the state of their Mediterranean trade and Levant trade. He said it was dead, and that their Turkey company was dead, and, therefore, he did not think his court cared much about either, or would ever do anything to prevent the empires. He thought it possible that they might rather encourage them.

I am quite of Mr. Hartley's mind, that the Dutch will profit by all the English blunders in regulating the West India trade, and am happy that M. Van Berckel will be soon with Congress, when its members and ministers may communicate through him anything they wish to their high mightinesses. They may inquire of him what are the rights of the East and West India Companies; to what an extent our vessels may be admitted to Surinam, Curaçoa, Demarara, Essequibo, Berbice, St. Eustatia; what we may be allowed to carry there and what bring from thence to the United States or to Europe; whether we may carry sugars, &c., to Amsterdam, Rotterdam, &c. There are at Rotterdam and Amsterdam one hundred and twenty-seven or eight refineries of sugar; how far these may be affected, &c.

I lay it down for a rule, that the nation which shall allow us the most perfect liberty to trade with her colonies, whether it be France, England, Spain, or Holland, will see her colonies flourish above all others, and will draw proportionally our trade to themselves; and I rely upon it, the Dutch will have sagacity to see it, and as they are more attentive to mercantile profit than to a military marine, I have great hopes from their friendship. As there will be an interval before the signature of the definitive treaty, I propose a journey of three weeks to Amsterdam and The Hague, in hopes of learning in more detail the intentions of the Dutch in this respect. I am in hopes, too, of encouraging the loan to assist our superintendent of finance. The Dutch may be a great resource to us in finance and commerce. I wish that cargoes of produce may be hastened to Amsterdam to Messrs. Willinks & Co., for this will give vigor to the loan, and all the money we can prevent England and the two empires from obtaining in Holland will not only be nerves for us, but perhaps be useful, too, to France in her negotiations.

I have spent the whole forenoon in conversation with the Duc de la Vauguyon. He thinks that England wishes to revive her trade to the Levant, to Smyrna, Aleppo, &c., and her carrying trade in Italy; and although she might be pleased to see France involved in a war with the Emperor and Empress, yet he thinks her funds are not in a condition to afford subsidies to either, and, therefore, that she will be perfectly neutral. Query, however, whether if by a subsidy or a loan of a million or two a year she could make France spend eight or ten millions, she would not strive hard to do it? The Duke thinks that France will proceed softly, and endeavor, if possible, to avert the furious storm that threatens, and to compose the disputes of the three empires if possible; but she will never suffer such a usurpation as the conquest of the Turk-

ish provinces in Europe. France will certainly defend Constantinople. He thinks that the Empress of Russia has not revenues, and can not get cash to march and subsist vast armies and to transport great fleets, and that the Emperor has not revenues to support a long war.

This is, however, a serious business, and France lays it so much to heart and looks upon the chance of her being obliged to arm as so probable, that I presume this to be the principal motive of her refusal to lend us two or three millions of livres more. •

As to our West India questions, the Duke assures me that the French ministry, particularly the Comte de Vergennes, are determined to do everything they can consistent with their own essential interests to favor and promote the friendship and commerce between their country and ours; that they, especially the Count, are declared enemies of the French fiscal system, which is certainly the most ruinous to their commerce, and intend to do everything they can to make alterations to favor commerce; but no change can be made in this without affecting their revenues and making voids, failures, and deficiencies which they can not fill up. They must, therefore, proceed softly. That France would favor the commerce between Portugal and America, because it would tend to draw off that kingdom from her dependence on England. That England, by her commercial treaty with the Portuguese in 1703, has turned them into an English colony, made them entirely dependent, and secured a commerce with them of three millions value. France would be glad to see this, or as much of it as possible, turned to America.

The Duke fully agrees with me in the maxim that those colonies will grow the most in wealth, improvement, population, and every sort of prosperity, which are allowed the freest communication with us, and that we shall be allowed to carry lumber, fish, and live stock to their island, but that the export of their sugars to us, he thinks, must be in their own ships, because they are afraid of our becoming the carriers of all their commerce, because they know and say that we can do it cheaper than they. These sentiments are different from those which he mentioned to me a few days ago, when he said the West India trade with us must be carried on in French bottoms.

The Duke said the English had been trying to deceive us, but were now developing their true sentiments. They pretended for awhile to abolish the navigation act and all distinctions, to make one people with us again, to be friends, brothers, &c., in hopes of drawing us off from France, but not finding success, they were now showing their true plan. As to the pretended system of Shelburne of a universal free commerce, although he thought it would be for the good of mankind in general, yet for an English minister it was the plan of a madman, for it would be the ruin of that nation. He did not think Shelburne was sincere in it, he only meant an illusion to us. Here I differ from the Duke and believe that the late ministry were very sincere towards us, and would

have made a treaty with us at least to revive the universal trade between us upon a liberal plan. This doctrine of ruin from that plan to the English has been so much preached of late in England by the French and American refugees, who aim at establishments in Canada and Nova Scotia, and by the old Butean administration and their partisans, that I do not know whether any ministry could now support a generous plan. But if Temple, Thurlow, Shelburne, Pitt, &c., should come in I should not despair of it. It is true the Shelburne administration did encourage the ideas of cordial perfect friendship, of entire reconciliation of affections, of making no distinction between their people and ours, especially between the inhabitants of Canada and Nova Scotia and us, and this with the professed purpose of destroying all seeds of war between us. These sentiments were freely uttered by Fitzherbert, Oswald, Whitefoord, Vaughan, and all who had the confidence of that ministry, and in these sentiments they were, I believe, very sincere. And they are, indeed, the only means of preventing a future war between us and them, and so sure as they depart from that plan, so sure, in less than fifteen years, perhaps less than seven, there will break out another war. Quarrels will arise among fishermen, between inhabitants of Canada and Nova Scotia and us, and between their people and ours in the West Indies, in our ports, and in the ports of the three kingdoms, which will breed a war in spite of all we can do to prevent it. France sees this and rejoices in it, and I know not whether we ought to be sorry, yet I think we ought to make it a maxim to avoid all wars if possible, and to take care that it is not our fault if we can not. We ought to do everything which the English will concur in to remove all causes of jealousies, and kill all the seeds of hostility as effectually as we can, and to be upon our guard to prevent the French, Spaniards, and Dutch from sowing the seeds of war between us, for we may rely upon it they will do it if they can.

I have the honor to be, &c.,

JOHN ADAMS.

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J. Adams to Livingston.\*

PARIS, *July 18, 1783.*

SIR: There is cause to be solicitous about the state of things in England. The present ministry swerve more and more from the true system, for the prosperity of their country and ours. Mr. Hartley, whose sentiments are at bottom just, is probably kept here, if he was not sent at first, merely to amuse us and to keep him out of the way of embarrassing the coalition in Parliament. We need not fear that France and England will make a common cause against us, even in relation to the carrying trade to and from the West Indies. Although they may mu-

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\* MSS. Dep. of State; 4 Sparks' Dip. Rev. Corr., 71; 8 J. Adams' Works, 107.



tually inspire into each other false notions of their interests at times, yet there can never be a concert of operations between them. Mutual enmity is bred in the blood and bones of both, and rivals and enemies at heart they eternally will be.

In order to induce both to allow us our natural right to the carrying trade, we must negotiate with the Dutch, Danes, Portuguese, and even with the empires; for the more friends and resources we have, the more we shall be respected by the French and English; and the more freedom of trade we enjoy with the Dutch possessions in America, the more will France and England find themselves necessitated to follow us.

The present ministers in England have very bad advisers; the refugees and emissaries of various other sorts, and we have nobody to watch and counteract, to correct or prevent any thing.

The United States will soon see the necessity of uniting in measures to counteract their enemies and even their friends. What powers Congress should have for governing the trade of the whole, for making or recommending prohibitions or imposts, deserves the serious consideration of every man in America. If a constitutional legislative authority cannot be given them, a sense of common danger and necessity should give to their recommendations all the energy upon the minds of the people, which they had six years ago.

If the union of the States is not preserved, and even their unity in many great points, instead of being the happiest people under the sun, I do not know but ~~we may~~ be the most miserable. We shall find our foreign affairs the most difficult to manage of any of our interests; we shall see and feel them disturbed by invisible agents and causes, by secret intrigues, by dark and mysterious insinuations, by concealed corruptions of a thousand sorts. Hypocrisy and simulation will assume a million of shapes; we shall feel the evil without being able to prove the cause. Those whose penetration reaches the true source of the evil will be called suspicious, envious, disappointed, ambitious. In short, if there is not an authority sufficiently decisive to draw together the minds, affections, and forces of the States, in their common foreign concerns, it appears to me we shall be the sport of transatlantic politicians of all denominations, who hate liberty in every shape, and every man who loves it, and every country that enjoys it. If there is no common authority, nor any common sense to secure a revenue for the discharge of our engagements abroad for money, what is to become of our honor, our justice, our faith, our universal, moral, political, and commercial character? If there is no common power to fulfil engagements with our citizens, to pay our soldiers, and other creditors, can we have any moral character at home? Our country will become the region of everlasting discontents, reproaches, and animosities, and instead of finding our independence a blessing, we shall soon become Capadocians enough to wish it done away.

I may be thought gloomy, but this ought not to discourage me from

laying before Congress my apprehensions. The dependence of those who have designs upon us, upon our want of affection to each other, and of authority over one another, is so great that, in my opinion, if the United States do not soon show to the world a proof that they can command a common revenue to satisfy their creditors at home and abroad, that they can act as one people, as one nation, as one man, in their transactions with foreign nations, we shall be soon so far despised that it will be but a few years, perhaps but a few months only, before we are involved in another war.

What can I say in Holland, if a doubt is started whether we can repay the money we wish to borrow? I must assure them in a tone that will exclude all doubt that the money will be repaid. Am I to be hereafter reproached with deceiving the money-lenders? I cannot believe there is a man in America who would not disdain the supposition, and therefore I shall not scruple to give the strongest assurances in my power. But if there is a doubt in Congress they ought to recall their borrowers of money.

I shall set off to-morrow for Holland in hopes of improving my health, at the same time that I shall endeavor to assist the loan, and to turn the speculations of the Dutch merchants, capitalists, and statesmen towards America. It is of vast importance that the Dutch should form just ideas of their interests respecting the communication between us and their islands, and other colonies in America. I beg that no time may be lost in commencing conferences with M. Van Berckel upon this subject, as well as that of money; but this should not be communicated to the French nor the English, because we may depend upon it, both will endeavor to persuade the Dutch to adopt the same plan with themselves. There are jealousies on both sides the Pass of Calais, of our connexions and negociations with the Dutch. But while we avoid as much as we can to inflame this jealousy, we must have sense and firmness and independence enough not to be intimidated by it, from availing ourselves of advantages that Providence has placed in our power. There ever have been, and ever will be, suspicions of every honest, active, and intelligent American, and there will be as there have been, insidious attempts to destroy or lessen your confidence in every such character. But if our country does not support her own interests, and her own servants, she will assuredly fall. Persons who study to preserve or obtain the confidence of America, by the favor of European statesmen or courts, must betray their own country to preserve their places.

For my own part I wish Mr. Jay and myself almost any where else but here. There is scarce any other place where we might not do some good. Here we are in a state of annihilation.

I have the honor to be, &c.,

JOHN ADAMS,

Morris to the President of Congress.\*

OFFICE OF FINANCE, *July 18, 1783.*

SIR: I would sooner have replied to the act of Congress of the 11th instant if I had not been prevented by other business which required immediate attention. The act recites a representation to Congress that certain parts of the army retired on furlough have not received the pay, &c. I will not contest the truth of this representation; but when I come to state such facts as are within my knowledge, I shall appeal to the candor of Congress how far that representation will warrant a censure against me.

I am directed to complete without delay the same payment to the officers and soldiers of the Massachusetts line which were ordered to be paid to the army at large. Congress will be pleased to observe that they have passed no particular order to which the above resolution can refer. The general acts which relate to paying our army form the *authority* on which the payment alluded to was made. Supposing, however, that by the resolution is meant three months' pay, in notes payable at six months from the date, I must take the liberty to remind Congress that completing the payment to any part of the army is not the business of my department, but of the Paymaster-General. All which can depend on me is to put those notes into his hands when called for, and this has been done as fast as was possible.

I am directed to report the reasons why the troops lately furloughed did not receive a part of their pay previous thereto. Not being able, sir, to make so full report on this subject as I could wish, I have written a letter to the Paymaster-General, of which the enclosure (No. 1) is a copy. The answer to this letter shall be transmitted as soon as received. The facts relating to that matter, which are within my knowledge, are the following:

On the 9th day of April last, a committee of Congress did me the honor to call, for the purpose of consulting on certain propositions contained in a letter from the Commander-in-Chief to an honorable member from Virginia. One of these propositions was to make the army three months' pay previous to their disbandment. My reply was an acknowledgment that the claim was very reasonable, a declaration that I doubted of the practicability, and a prayer to be indulged with time for consideration. On the 14th of April, I wrote a letter to that committee in which I had the honor to inform them that three months' pay amounted, according to the estimates, to seven hundred and fifty thousand dollars; that to supply so large a sum was utterly impracticable, or indeed to obtain any considerable part; that the most which could be done was to risk a large paper anticipation; that to render the arrangements for that purpose effectual, in an official point of view, would be a work of time; that the period of my official existence was nearly

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\* MSS. Dep. of State; 6 Sparks' Dip. Rev. Corr., 623.

arrived; that disbanding the army in a manner satisfactory to them and to the country was doubtless desirable; that I believed it to be practicable, although extremely difficult, and that I should be ready at all times to give my advice and assistance to those who might be charged with that delicate and perilous undertaking.

On the 22d of April, Congress were pleased to appoint a committee to confer with me relative to my continuance in office. I told that honorable committee that the late advices from Europe gave a new complexion to our affairs, and prayed some further time for the receipt of intelligence. On the 24th of April I had the honor to inform the committee that if Congress thought my assistance essential towards completing such payment to the army as might be agreed on, &c., I would consent to a further continuance in office for that purpose, but prayed to be excused from that service if Congress could otherwise accomplish their views.

On the 28th of April Congress were pleased to resolve that the public service *required my continuance in office* till arrangements for the reduction of the army could be made, and the engagements taken in consequence, as well as those already taken, should be completed. On the 2d day of May Congress were pleased to pass some further resolutions on the same subject, which I shall shortly have occasion to mention. On the 3d of May I had the honor to entreat of your excellency that you would inform Congress that I entertained a proper sense of their assurance of firm support, and *in reliance on them* should continue my zealous exertions for the service of the United States.

On the 9th of May, having had a conference with the Minister of War on the resolutions of the 7th and 28th of April and 2d of May, we took the liberty to request that a committee might be appointed to confer with us on the subject of those resolutions. On the 15th of May two gentlemen of that committee did us the honor of the conference requested; in which it was stated *as impracticable to make any pay to the army unless our expenditures were immediately and considerably reduced*. The committee, however, being desirous to have the situation of things stated to them in writing, I wrote them a letter on the same day, showing that, on the last day of April, we were in advance of our resources to the amount of six hundred thousand dollars; that our foreign resources were exhausted; that our domestic resources, as far as they consisted in sales of public property, were considerably reduced; that, as far as they consisted in the produce of taxes, they were extremely slender and precarious; that the monthly consumption of the army was at least double the monthly produce of the taxes; that, if they were kept longer in the field, they would consume every resource by which the payment could possibly be made or hazarded; and therefore that, *unless the far greater part of our expenses was immediately curtailed, the object Congress had in view by their resolutions of the 2d of May could*

*not possibly be accomplished.* This letter was accompanied with the necessary documents to establish the positions contained in it.

On the 26th of May it was resolved that the Commander-in-Chief should be instructed to grant furloughs, &c., and this resolution was communicated to me on the 27th. Thus, sir, from the 9th day of April, when this matter was first proposed, until the 27th day of May, when the final determinations of Congress were made known, my conduct was of necessity suspended.

On the 29th of May I informed the Commander-in-Chief of my determination to issue notes payable in six months from the date, for three months' pay, and explained to him the reasons why I could not make the payment in any other mode. In reply to this I received on the 5th of June a letter from the General dated the 3d, which was brought by express and urged the transmission of a part of those notes. I immediately wrote an answer, in which I informed him that on Saturday evening, the 31st of May, the paper arrived from the maker, that on Monday the 2d of June it was delivered to the printer; that he had agreed to send the first parcel of notes to me on Friday, the 6th of June, and that as soon as I could sign them they should be delivered to the paymaster to be sent forward. On the 7th of June the paymaster received fifty thousand dollars, on the 9th fifty thousand dollars, and on the 13th one hundred thousand dollars; so that in six days I signed six thousand notes, besides the other business of my office. That paper made on purpose for this business was necessary, no man can doubt, or if it could have been doubted, the recent attempt to counterfeit these notes is a sufficient proof. That the printing was to take place before the signing must be admitted. The only delay, therefore, with which I can be chargeable must be in the signing of them, and upon that subject I shall say nothing. If by any means a delay happened after the notes were delivered into the pay office, I presume that the paymaster-general will be able to account for it. I shall only add that he has received half a million of these notes, as will appear by the enclosed note of the payments number two.

I am also directed, sir, to report the manner in which I expect to redeem the notes in question. Congress will be pleased to recollect that the issuing of those notes arose from a proposition made by the General, and warmly adopted by them; that although I was very desirous of gratifying the wishes of the army, I had great apprehensions as to the ability of doing it, and that from a view of the scantiness of our resources I felt extreme reluctance in giving my consent. As to the means of redeeming the notes, permit me to refer Congress to the letters which I had the honor of writing to your excellency on the 17th of March and 1st of May; to my correspondence with the honorable committee of Congress on the 14th and 16th of April, copies whereof are enclosed in the paper number three; and to a circular letter to the States of the 12th of May, of which a copy is enclosed in the paper number four.

Permit me also to refer to the various accounts which have been rendered to Congress of the state of my department, and to these let me add what appears on their own minutes. On the 2d of May they declared it to be their desire when the reduction of the army should take place to enable the officers and soldiers to return to their respective homes with convenience and satisfaction; *for which purpose it would be indispensable to advance them a part of their pay.* They declared further, that there were many other engagements for which the public faith was pledged, and *the punctual performance of which was essential to the credit of the United States.* And they further declared that *neither of these important objects could be effected without the vigorous exertions of the several States in the collection of taxes.* From a conviction of these facts Congress were pleased to call upon the respective States in the most earnest manner to forward the collection of taxes. As an additional means to accomplish the same end, they were pleased to apply for a further loan of three million of livres to his most Christian majesty. And they resolved that the superintendent of finance be directed to take the necessary arrangements for carrying the views of Congress into execution. And that he be assured of their firm support towards fulfilling the engagements he has already taken or may take, on the public account during his continuance in office.

Having already so fully stated the situation of my department, I have only to say, in answer to the order I have received, that I rely on the firm support of Congress, solemnly pledged to me (for the purpose of inducing my continuance in office), to redeem those notes issued to the army, as well as to fulfil all other engagements which I have taken or may take on the public account.

Before I close this letter I beg leave to assign my reason for reducing my report to that form. It is because I had rather bear the censure contained in the acts of the 11th of July, however painful, than place on the minutes of Congress anything which may hold up the idea of precipitancy on their part.

With perfect respect, &c.,

ROBERT MORRIS.

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J. Adams, Franklin, and Jay to Livingston.\*

PASSY, July 18, 1783.

SIR: We had the honor of receiving by Captain Barney your two letters of the 25th of March and the 21st of April, with the papers referred to in them.

We are happy to find that the provisional articles have been approved and ratified by Congress, and we regret that the manner in which that business was conducted does not coincide with your ideas of propriety. We are persuaded, however, that this is principally owing to your

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\* MSS. Dep. of State; 5 Sparks' Dip. Rev. Corr., 521, with verbal changes.

being necessarily unacquainted with a number of circumstances known to us who are on the spot, and which will be particularly explained to you hereafter, and, we trust, to your satisfaction and that of the Congress.

Your doubts respecting the separate article, we think, are capable of being removed, but as a full state of the reasons and circumstances which prompted that measure would be very prolix, we shall content ourselves with giving you general outlines.

Mr. Oswald was desirous to cover as much of the eastern shores of the Mississippi with British claims as possible, and for this purpose we were told a great deal about the ancient bounds of Canada, Louisiana, &c., &c. The British court, who had probably not yet adopted the idea of relinquishing the Floridas, seemed desirous of annexing as much territory to them as possible, even up to the mouth of the Ohio. Mr. Oswald adhered strongly to that object, as well to render the British countries there of sufficient extent to be (as he expressed it) worth keeping and protecting as to afford a convenient retreat to the tories, for whom it would be difficult otherwise to provide; and, among other arguments, he finally urged his being willing to yield to our demands to the east, north, and west as a further reason for our gratifying him on the point in question. He also produced the commission of Governor Johnson, extending the bounds of his government of West Florida up to the river Yazoo, and contended for that extent as a matter of right upon various principles, which, however, we did not admit, the King not being authorized, in our opinion, to extend or contract the bounds of the colonies at pleasure.

We were of opinion that the country in contest was of great value, both on account of its natural fertility and of its position, it being, in our opinion, the interest of America to extend as far down towards the mouth of the Mississippi as we possibly could. We also thought it advisable to impress Britain with a strong sense of the importance of the navigation of that river to their future commerce on the interior waters, from the mouth of the River St. Lawrence to that of the Mississippi, and thereby render that court averse to any stipulations with Spain to relinquish it. These two objects militated against each other, because to enhance the value of the navigation was also to enhance the value of the countries contiguous to it, and thereby disincline Britain to the dereliction of them. We thought, therefore, that the surest way to reconcile and obtain both objects would be a composition beneficial to both parties. We therefore proposed that Britain should withdraw her pretensions to all the country above the Yazoo, and that we would cede all below it to her in case she should have the Floridas at the end of the war, and, at all events, that she should have a right to navigate the river throughout its whole extent. This proposition was accepted, and we agreed to insert the contingent part of it in a separate article for the express purpose of keeping it secret for the

present. That article ought not, therefore, to be considered as a mere matter of favor to Britain, but as the result of a bargain in which that article was a *quid pro quo*.

It was, in our opinion, both necessary and justifiable to keep this article secret. The negotiations between Spain, France, and Britain were then in full vigor, and embarrassed by a variety of clashing demands. The publication of this article would have irritated Spain, and retarded, if not have prevented, her coming to an agreement with Britain.

Had we mentioned it to the French minister he must have not only informed Spain of it, but also been obliged to act a part respecting it that would probably have been disagreeable to America, and he certainly has reason to rejoice that our silence saved him that delicate and disagreeable task.

This was an article in which France had not the smallest interest, nor is there anything in her treaty with us that restrains us from making what bargain we please with Britain about those or any other lands, without rendering account of such transaction to her or any other power whatever. The same observation applies with still greater force to Spain, and neither justice or honor forbid us to dispose as we pleased of our own lands without her knowledge or consent. Spain at that very time extended her pretensions and claims of dominion not only over the tract in question, but over the vast region lying between the Floridas and Lake Superior; and this court was also at that very time soothing and nursing of those pretensions by a proposed conciliatory line for splitting the difference. Suppose, therefore, we had offered this tract to Spain in case she retained the Floridas, should we even have had thanks for it? Or would it have abated the chagrin she experienced from being disappointed in her extravagant and improper designs on that whole country? We think not.

We perfectly concur with you in sentiment, sir, that "*honesty is the best policy*." But until it be shown that we have trespassed on the rights of any man or body of men you must excuse our thinking that this remark, as applied to our proceedings, was unnecessary.

Should any explanations either with France or Spain become necessary on this subject, we hope and expect to meet with no embarrassments. We shall neither amuse them nor perplex ourselves with obstinate and flimsy excuses, but tell them plainly that as it was not our duty to give them the information, we considered ourselves at liberty to withhold it. And we shall remind the French minister that he has more reason to be pleased than displeased with our silence. Since we have assumed a place in the political system of the world, let us move like a primary and not like a secondary planet.

We are persuaded, sir, that your remarks on these subjects resulted from real opinion, and were made with candor and sincerity. The best men will view objects of this kind in different lights, even when stand-



ing on the same ground; and it is not to be wondered at that we, who are on the spot and have the whole transaction under our eyes, should see many parts of it in a stronger point of light than persons at a distance, who can only view it through the dull medium of representation.

It would give us great pain if anything we have written or now write respecting this court should be construed to impeach the friendship of the King and nation for us. We also believe that the minister is so far our friend, and is disposed so far to do us good offices, as may correspond with and be dictated by his system of policy for promoting the power, riches, and glory of France. God forbid that we should ever sacrifice our faith, our gratitude, or our honor to any consideration of convenience; and may He also forbid that we should ever be unmindful of the dignity and independent spirit which should always characterize a free and generous people.

We shall immediately propose an article to be inserted in the definitive treaty for postponing the payment of British debts for the time mentioned by Congress.

There are, no doubt, certain ambiguities in our articles; but it is not to be wondered at, when it is considered how exceedingly averse Britain was to expressions which explicitly wounded the tories, and how disinclined we were to use any that should amount to absolute stipulations in their favor.

The words for restoring the property of *real British subjects* were well understood and explained between us *not* to mean or comprehended *American refugees*. Mr. Oswald and Mr. Fitzherbert know this to have been the case, and will readily confess and admit it. This mode of expression was preferred by them as a more delicate mode of excluding those refugees, and of making a proper distinction between them and the subjects of Britain, whose only *particular* interest in America consisted in holding lands or property there.

The sixth article, viz., where it declares that no *future confiscations* shall be made, &c., ought to have fixed the time with greater accuracy. We think the most fair and true construction is, that it relates to the date of the cessation of hostilities. That is the time when peace in fact took place, in consequence of prior informal, though binding, contracts to terminate the war. We consider the definitive treaties as only giving the dress of form to those contracts, and not as constituting the obligation of them. Had the cessation of hostilities been the effect of a truce, and consequently nothing more than a temporary suspension of war, another construction would have been the true one.

We are officially assured by Mr. Hartley that positive orders for the evacuation of New York have been despatched, and that no avoidable delay will retard that event. Had we proposed to fix a time for it, the British commissioner would have contended that it should be a time posterior to the date of the definitive treaty, and that would have been probably more disadvantageous to us than as that article now stands.

We are surprised to hear that any doubts have arisen in America respecting the time when the cessation of hostilities took place there. It most certainly took place at the expiration of one month after the date of that declaration in all parts of the world, whether by land or sea, that lay north of the latitude of the Canaries.

The ships afterwards taken from us in the more northerly latitudes ought to be reclaimed and given up. We shall apply to Mr. Hartley on this subject, and also on that of the transportation of negroes from New York, contrary to the words and intention of the provisional articles.

We have the honor to be, &c.,

JOHN ADAMS.  
B. FRANKLIN.  
JOHN JAY.

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Carmichael to Livingston.\*

No. 26.

MADRID, *July 19, 1783.*

SIR: A few days ago I had the satisfaction to receive the letter which you did me the honor to write me the 7th of May. It is the only one which has reached me from the Department of Foreign Affairs since the 12th September, 1782. I am happy to find my conduct has the approbation of Congress. The delicate situation in which I have found myself here, and a total privation of intelligence from America, embarrassed me greatly; I was apprehensive, on the one hand, that a marked resentment of the coldness and delays of this court might compromise our ally and embroil still further our affairs here; and, on the other, I felt that it was not decent longer to solicit the amity of a nation which has so long trifled with the proposals of the States. I was not authorized to negotiate, and if I had been, I had no instructions but those which were given to Mr. Jay in 1779.

Our affairs have taken such a different aspect since that period that these could be of little use to me. Thus circumstanced, I contented myself with taking every opportunity of pointing out to the Count de Florida Blanca and others the conduct which I presumed would be most advantageous to my country, while at the same time it would cement a lasting harmony between the two nations. I received constantly general assurances of the favorable disposition of the King. The letter transmitted by the Marquis de la Fayette, and those which I had the honor to write to you before and since that period, will have informed you of the nature of them. I was induced to believe these assurances sincere, more from the opinion that it was the true interest of this court to follow that line of conduct than from any confidence in the real good

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\* MSS. Dep. of State; 5 Sparks' Dip. Rev. Corr., 124, with verbal changes and omissions.

will or good faith of government here. Its apparent jealousy of our rising importance and of our vicinity to its American possessions, joined to its past conduct, I think will justify these sentiments.

A few days ago the minister of the Indies, speaking of America in general, wished the whole continent at the bottom of the ocean. I believe he has his particular reasons for this wish. The advice which I have had the honor to transmit you from time to time of the discontents and disturbances in Mexico and Peru will in some measure explain the cause of his dissatisfaction. The last intelligence received from Buenos Ayres is by no means agreeable. The court guards the greatest silence on this subject, and the minister has taken care to stop all letters of a late date brought by packets from that part of the world. I have, however, been informed by natives of consequence from those countries who reside here, and who pay their court every day to M. Galvez, that the spirit of revolt increases, and that the conduct of the officers, civil and military, sent from hence is so odious and intolerable to all classes of people, that the worst consequences are to be apprehended. These Americans treat me with the cordiality of countrymen. The other night, being at the tertulia (assembly) of Madame Galvez, the Count d'Oreilly entered. I saw indignation immediately painted on their countenances, and one of them, said, "There, my countryman, is a specimen of the governors they send us," alluding to the perfidy and cruelties of that General in Louisiana. I was cautious in my reply, as indeed I have been in all conversations I have had with these or others on this subject. The apprehensions which the situation of their colonies might be supposed to excite do not appear to influence the conduct of the Count de Florida Blanca.

In my letter of the 25th of June I had the honor to submit to you my conjectures on the part Spain seemed disposed to take in the war commenced by Russia against the Turks. These conjectures have been confirmed by circumstances which have since come to my knowledge. The Count de Florida Blanca takes an active part in negotiating and exciting the distrust of other nations against the supposed designs of the Imperial courts. There have been frequent conferences of late between that minister, the French and Portuguese ambassadors, and the Count de Fernan Nunez, now here on *congé* from Portugal. It is surmised that the object of them is to engage the court of Lisbon to exclude from its ports the fleet which Russia has talked of sending into the Mediterranean, and to avoid giving a pointed offence to the Empress by this exclusion it is proposed to extend it to all nations at war. Many circumstances induce me to credit this surmise. The Russian minister here is informed from Lisbon of this negotiation, and accuses the Portuguese ambassador (who is a weak and vain man) of being entirely gained by the court paid him here.

Efforts have been made to engage the Genoese and Venetians to enter into the same views. I know the sentiments of the ambassador from the

latter Republic on this subject. He is piqued by the little confidence placed in him by this court, on account of letters from him to his constituents, placing the affairs of this country in an unfavorable aspect. Copies of these letters have somehow or other been procured by the Spanish ambassador there and transmitted hither. He advises the Republic to remain neuter, notwithstanding the jealousies which others endeavor to inspire of the Emperor's intentions. That Prince continues to make the most formidable preparations, while at the same time he endeavors to persuade others, and particularly the court of France, that he does not enter into the designs of Russia. Your information from Paris will be much more accurate than any that I can give you on this subject. If the court of Versailles was not well satisfied with the dispositions of this court, the Count de Montmorin would not be permitted to return to France at this crisis. He talks of leaving Spain in the month of September, or sooner, should the definitive treaty be concluded. A courier is daily expected with the news of the signature.

This intelligence will be the more agreeable, as doubts have been entertained of the intentions of the English cabinet. The frequent conferences between Mr. Fox and the Russian minister at London and the permission given to Russian commissaries to prepare for the reception of the fleets of that nation may have excited these doubts. Mr. Fox, in the course of the negociations of the definitive treaty, has cavilled on every point and raised difficulties and delays on every occasion. It would, perhaps, have facilitated the conclusion of our treaty with this country if we could have adjusted the articles of it before theirs with Great Britain is signed. I am afraid it will be difficult to obtain permission to cut wood in the bays of Campeachy and Honduras. This point, as I informed you in my last, was a subject of long discussion at London. The limits occasioned the obstacles on the part of Spain. I have insinuated from time to time to the Count de Florida Blanca the good effect the grant of this permission to the citizens of the United States would have in America. But M. Galvez, as minister of the Indies, will be consulted on this point, as well as on that of the free navigation of the Mississippi, and I believe will obstruct as much as possible the cessions we desire. He is obstinate to the last degree, and rarely swerves from the system he has once adopted. Perseverance and steadiness on our part must from the nature of things probably prevail.

There is no appearance of material changes in the ministry here. It is said the King is not satisfied with the new minister of marine. The friends of the Count d'Oreilly flattered themselves that he would be named minister of war. But his return to his government of Andalusia, after a shorter stay than he intended, dissipated the expectations formed on this head. I paid him my court during the time he was here in order to secure his influence in favor of our commerce at Cadiz. The appointment of a consul is very necessary at that port, and certainly no person will ever perform the functions of that office with more credit

to himself and country than Mr. Richard Harrison, who for three years past has gratuitously done all our business there.

The time of the Count de Florida Blanca is so much occupied by projects of reform in the administration of the revenues, &c., and by the negotiations before mentioned, that it is difficult, if not impracticable, to see him, particularly while the court is in the capital. He promised at Aranjues to give me a positive answer here with regard to my presentation to the King and royal family, but I have been so accustomed to promises and delays, that I have little expectations that he will keep his word. I attend the answer of Congress to my letter of the 23d of May (No. 24), in which I recapitulated the difficulties started on this subject.

The expedition against Algiers sailed the 2d instant. Enclosed I have the honor to send you a list of its force. The religious ceremonies observed previous to the departure of this armament recall to mind those practised in the time of the Crusades. A pompous procession, composed of the clergy of all orders and of the civil and military officers at Carthage, attended a miraculous image of the Virgin of Mount Carmel from the church to the port. There, with great ceremony, it was placed in the barge of Barcello, the chief of the expedition, who himself took the helm and conducted it on board the admiral's ship, parading through the fleet, which displayed its colors, and saluted with firing and music during the time the ceremony lasted. The image was reconducted to the altar from which it had been taken with the same pomp, and no doubt that many of the spectators and assistants are convinced that this honor paid to the Virgin will insure the success of the expedition. I take the liberty of giving you this detail, as it marks the character of a part of the nation. Sensible people smile when the circumstance happens to be mentioned.

In the month of July, 1780, I gave to Mr. Jay in writing a general account of the disposition of the court, the state of the finances of this country, &c., &c. I know not whether it has ever been transmitted to Congress. I have from time to time since been employed in correcting and enlarging it. I have hopes of obtaining an accurate account of the revenues and debt of this nation. The person through whose means I hope to procure it for the time necessary to copy it is now absent. Should I be successful, I must entreat the greatest secrecy on account of the person who I expect will favor me on this point. In 1781 I transmitted to the Philosophical Society of Philadelphia a relation of the measures taken in this country for the encouragement of arts and agriculture, particularly by societies established with the title of *Amigos del Pais* (friends of the country). These societies owe their existence to the celebrated Count de Campomanes; from him I drew my information on this subject, and I must add in justice to his liberality of thinking that I have found him on all occasions disposed to contribute to my instruction; for this and other reasons mentioned

in my letter No. 2 I pressed his nomination as honorary member of our Philosophical Society. You will pardon me for reminding you of this circumstance.

Urged by necessity, I have been constrained to draw on Dr. Franklin. I never have been advised by him of the reception of bills of exchange for my salary. Mr. Temple Franklin wrote me many months ago that advice had been received that bills had been drawn for that purpose, but that they had not come to hand. In the course of this summer he informed me that six months of my salary had been remitted by your department, and that I had been credited with that sum in my account with Dr. Franklin. I have heard nothing further on this subject since. You will please, therefore, to direct its being transmitted in future through the hands of Mr. John Ross.

I have just been informed that an envoy is arrived at Cadiz from Morocco, charged with powers to treat in behalf of the Emperor with our commissioners at Paris. I beg leave to recall to your attention that I had the honor to commence our first negotiations with Sweden, Denmark, and Saxony, and that others have been authorised to conclude them, to the great mortification of the ministers of those courts employed here. I shall be perfectly satisfied if the Congress remains persuaded of the zeal which has animated me, and will ever animate me, to contribute my feeble efforts to promote the interest and glory of the States and to merit the confidence reposed in me.

I have the honor to be, &c.,

WILLIAM CARMICHAEL.

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Jay to Livingston.\*

PASSY, July 19, 1783.

DEAR SIR: On the 1st instant I had the pleasure of receiving your favor of the 21st May last.

I am happy to hear that the provisional articles meet with general approbation. The tories will doubtless cause some difficulty, but that they have always done, and as this will probably be the last time, we must make the best of it. A universal indiscriminate condemnation and expulsion of those people would not redound to our honor, because so harsh a measure would partake more of vengeance than of justice. For my part, I wish that all except the *faithless and the cruel* may be forgiven. That exception would indeed extend to very few, but even if it applied to the case of one only, that one ought, in my opinion, to be saved.

The reluctance with which the States in general pay the necessary taxes is much to be regretted; it injures both their reputation and interest abroad as well as at home, and tends to cherish the hopes and

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\* 2 Jay's Life, 121.

speculations of those who wish we may become and remain an unimportant divided people. The rising power of America is a serious object of apprehension to more than one nation, and every event that may retard it will be agreeable to them. A continental national spirit should therefore pervade our country, and Congress should be enabled, by a grant of the necessary powers, to regulate the commerce and general concerns of the Confederacy, and we should remember that to be constantly prepared for war is the only way to have peace. The Swiss on the one hand and the Dutch on the other bear testimony to the truth of this remark.

The General and the army have by their late moderation done themselves infinite honor, and it is to be hoped that the States will not only be just but generous to those brave and virtuous citizens. America is at present held in a very respectable point of view, but as the eyes of the world are upon her, the continuance of that consideration will depend on the dignity and wisdom of her conduct. I mean to return next spring. My health is somewhat better.

I am, &c., &c.,

JOHN JAY.

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Jay to Charles Thomson.\*

PASSY, *July 19, 1783.*

DEAR SIR: My last to you was a short letter by Mr. John Penn, who I suppose is near America by this time. When I consider that no person in the world is so perfectly acquainted with the rise, conduct, and conclusion of the American Revolution as yourself, I can not but wish that you would devote one hour in the four and twenty to giving posterity a true account of it. I think it might be comprised in a small compass. It need not be burdened with *minute* accounts of battles, retreats, evacuations, &c.; leave those matters to voluminous historians. The political story of the Revolution will be most liable to misrepresentation, and future relations of it will probably be replete both with intentional and accidental errors. Such a work would be highly advantageous to your reputation, as well as highly important to the cause of truth with posterity. I don't mean that it should be published during your life; that would be improper for many reasons; nor do I think it should be known that you was employed in such a work. This hint, therefore, is for yourself, and shall go no further.

With very sincere esteem and regard, I am, dear sir, your friend and servant,

JOHN JAY.

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\* N. Y. Historical Society, 1778, 174.

Jay to Livingston.\*

PASSY, *July 20, 1783.*

DEAR SIR : The delays which have postponed the completion of the definitive treaty have hitherto prevented my trying the effect of the waters of Bath for a pain in my breast, which has continued in different degrees for a year past. Were I much longer to neglect that only probable chance of restoring my health, my little family might have much reason to complain.

I fear that the fluctuating counsels of the British cabinet will protract that business until so late in the season as not to leave me sufficient time both to give the waters a fair trial and afterwards go to Spain before the weather will become too inclement for an invalid to travel such a distance in a country so destitute of accommodations. Should that be the case I shall hope to be excused for not undertaking it, especially as nothing of importance remains there to be done except preparing the draft of a treaty of commerce, which I hoped to have been able to bring with me to America in the spring, when it was my fixed resolution to resign.

But as I should then pass the winter without being useful to the public, Congress may not perhaps think it reasonable that their allowance to me should be continued. I think it my duty, therefore, to apprise them of these circumstances, and to refer it to their discretion to assign such earlier date to my resignation as they may think best. I must beg the favor of you to request and to inform me of their decision on this subject, without delay; for as I shall not probably have an opportunity of sailing before June next, it is important to me to know by what rule I am to regulate the expenses of my family in the mean time.

As you know upon what principles I have devoted myself to the public for these nine years, and as those motives would become questionable if after the war I did not return to a private station, I hope the propriety of my resolution to resign will appear manifest, especially when to these considerations are added the circumstances of certain individuals of my family whose afflictions and whose relation to me give them the strongest claims to my care and attention.

Be pleased, sir, to present to Congress my warmest acknowledgments for the marks of confidence with which they have honored me, and assure them that, by becoming a private citizen I mean not to retreat from any duties which an American owes his country.

I have the honor to be, &c.,

JOHN JAY.

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\* MSS. Dep. of State; 4 Sparks' Dip. Rev. Corr., 535.



Jay to Morris.\*

PASSY, *July 20, 1783.*

DEAR SIR: By Captain Barney I was favored with yours of the 31st May. By this time I hope you will have received several letters from me, which were then on the way. Want of health has long made much writing painful to me, so that my letters in general are short.

My jaunt to Normandy did me some service, but less than I expected. The pure air of this place has been useful to me. The pain in my breast has abated, and I have had no fever since I came here, which was about six weeks ago.

Gouverneur is happy in your esteem; it adds to mine for him. I have long been attached to him, and sincerely wish that our friendship, instead of being diminished, may continue to gain strength with time.

Your intended resignation alarmed me, and would have been followed with ill consequences to our affairs. I rejoice that you continue in office, and by no means regret that it will be less in your power than inclination to retire soon. I am well aware of the difficulties you will continue to experience. Every man so circumstanced must expect them. Your office is neither an easy nor a pleasant one to execute, but it is elevated and important, and therefore envy, with her inseparable companion injustice, will not cease to plague you. Remember, however, that triumphs do not precede victory, and that victory is seldom found in the smooth paths of peace and tranquillity. Your enemies would be happy to drive you to resign, and in my opinion both your interest and that of your country oppose your gratifying them. You have health, fortune, talents, and fortitude, and you have children, too. Each of these circumstances recommend perseverance.

As to money, this court will afford you no further supplies. The minister has said it was easy to be a financier and draw bills when others provide the funds to pay them. At another time he intimated that his court was not treated with a proper degree of delicacy on that subject, and said "that you treated them as your cashiers." A French officer from America, who is a friend of yours, told me that La Luzerne and Marbois were not pleased with the manner of your applications to them about money matters. I mention these facts because it may be useful for you to know them.

The loan in Holland goes on, and from that quarter your bills must be saved, if at all. Mr. Adams set out for Amsterdam the day before yesterday, and will push on that business. If the Dutch begin to draw benefit from our trade they would lend more cheerfully.

The British ministry have not yet authorized Mr. Hartley to consent to anything as to commerce. They amuse him and us, and deceive themselves. I told him yesterday that they would find us like a globe, not to be overset. They wish to be the only carriers between their island

\* 2 Jay's Life, 124.

and other countries; and though they are apprized of our right to regulate our trade as we please, yet I suspect they flatter themselves that the different States possess too little of a national or continental spirit ever to agree in any one national system. I think they will find themselves mistaken.

I am, &c.,

JOHN JAY.

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La Fayette to the President of Congress.\*

CHAVANIAE, IN THE PROVINCE OF AUVERGNE,

July 20, 1783.

SIR: Having been for some days in the country, where I am waiting for the arrival of the *Triomphe*, I am honored with your excellency's favor of the 12th of April, which I hasten to acknowledge. It is for me a great happiness to think that Congress have been pleased to approve my conduct, and that an early intelligence has proved useful to our American trade. To my great satisfaction I also hear that my endeavors in Spain have been agreeable to Congress. Upon my arrival in Paris I made Mr. Jay acquainted with my proceedings. The concessions I had obtained from the Spanish court (without any on our part) were also put into his hands. Since which I could have no more to do in the negotiations, wherein I had taken the part of a temporary volunteer.

However repeated may have been the marks of confidence which Congress have conferred upon me, they ever fill my heart with a new satisfaction. What you have mentioned respecting payment of debts, will of course become my first and most interesting object. I have warmly applied to the French ministry, and will on that point solicit the confidence of the gentlemen in the American commission. But upon hearing of an opportunity, I could not an instant defer to acknowledge your excellency's letter. Agreeably to the last despatches, I am waiting for the orders which I hope to receive by the *Triomphe*. Any commands which Congress may have for me shall be cheerfully executed by one of their earliest soldiers, whose happiness it is to think that at a less smiling moment he had the honor to be adopted by America, and whose blood, exertions, and affections, will in her good times, as they have been in her worst, be entirely at her service.

It appears Russia is determined upon a Turkish war, and should they give it up now, the matter would only be postponed. What part the Emperor is to take, we cannot at present so well determine. Whenever the way is opened to me, I endeavor to do that which may prove agreeable to Congress, and intend to keep them acquainted with political occurrences. It is a pleasing idea for me now to think that nothing

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\* MSS. Dep. of State; 5 Sparks' Dip. Rev. Corr., 416, with verbal changes; 2 La Fayette Memoirs, 71.

can derange our glorious state of liberty and independence. Nothing I say, for I hope measures will be taken to consolidate the Federal Union, and by those means to defeat European arts, and insure eternal tranquillity.

With the highest respect, I have the honor to be, &c.,

LA FAYETTE.

P. S.—Congress have no doubt received accurate accounts respecting the affair of free ports. On my arrival from Spain I found that Bayonne and Dunkirk had been pitched upon, and I immediately applied for L'Orient and Marseilles. L'Orient is by far the most convenient on the coast, and we now have got it. That being done, I am again applying for Bayonne, which has some advantages, and I wish Congress would send orders to Mr. Barclay in the meanwhile; the more free ports we have the better. This affair of free ports, the subject which Congress have recommended, and the despatches I am directed to expect by the *Triomphe*, will determine the time when, having no more American business here, I may indulge my ardent desire to return to the beloved shores of America.

LA FAYETTE.

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Carmichael to Livingston.\*

No. 27.

MADRID, July 22, 1783.

SIR: Since closing my letter of the 19th instant, a courier arrived from Alicant brings advice that the armament against Algiers, which sailed the 2d, has been dispersed by bad weather and obliged to take shelter in that port and others on the coast. If I can procure the details of this disaster, I will forward them by this opportunity. This dispersion will afford more time for the Algerines to prepare for their defence. The fleet from the Havana is daily expected. Some vessels have already arrived.

Great hopes are conceived of the influence which this treasure and the produce embarked in the convoy will have in enlivening the commerce of this country and appreciating the paper money in circulation. In this capital that paper loses five per cent., in the sea-ports, three and a half. The operations of the bank have not been attended hitherto with the success expected from them.

Solano, who commanded the maritime forces of Spain in the West Indies, subject to the orders of General Galvez, has excited the indignation of the King and ministry by refusing to receive on board the vessels under his command the general officers and troops destined to return to Spain. It is said here that his refusal proceeded from a

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\* MSS. Dep. of State; 5 Sparks' Dip. Rev. Corr., 130, with verbal changes and omissions.

desire to turn to his private advantage and that of his officers this occasion of lading the ships of war with the produce of Spanish America. This has been too much the custom in this country. He will find a powerful enemy in the minister of the Indies, whose nephew is obliged by his manœuvre to embark in a merchantman.

We have yet no news of the signature of the definitive treaty. Mr. Adams did me the honor to write me, in a letter which I have just received by a private hand, "That they were moving on with the same sluggish pace in the conferences for the definitive treaty, and could by no means foresee the end." This letter is dated the 18th of June. The court and the French ambassador give out that they expect the news of its signature in eight days. If it was not imprudent to hazard conjecture against such authority, I should be induced by other motives to think that this event will not take place until despatches carried from hence last week arrive in London. I have additional reason to suppose that the convention mentioned in my last, to exclude from the ports of Portugal the Russian ships of war, has been, or is on the point of being, concluded. The Prince de Massaran, who charges himself with the delivery of this to my correspondent at Bordeaux, being about to set out, I am obliged to conclude.

I have the honor to be, &c.,

WILLIAM CARMICHAEL.

[P. S.—I have just received the enclosed papers,\* on the subject of the expedition against Algiers, without having time to copy or translate them. I hope Congress will excuse the hurry in which I write, since my motive is to give the earliest information of all that can appear interesting.]†

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Franklin to Livingston.‡

PASSY, *July 22, 1783.*

SIR: You have complained, sometimes with reason, of not hearing from your foreign ministers; we have had cause to make the same complaint, six full months having intervened between the latest date of your preceding letters and the receipt of those by Captain Barney. During all this time we were ignorant of the reception of the provisional treaty, and the sentiments of Congress upon it, which, if we had received sooner, might have forwarded the proceedings on the definitive treaty, and perhaps brought them to a conclusion at a time more favorable than the present. But these occasional interruptions of correspondence are the inevitable consequences of a state of war, and of such remote situations. Barney had a short passage and arrived some

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\* Now missing.

† Passage in brackets omitted in Sparks' ed.

‡ MSS. Dep. of State; 2 Sparks' Dip. Rev. Corr., 462; 8 Bigelow's Franklin, 304.

days before Colonel Ogden, who also brought despatches from you, all of which are come safe to hand. We, the commissioners, have in our joint capacity written a letter to you, which you will receive with this.

I shall now answer yours of March 26th, May the 9th, and May the 31st.

It gave me great pleasure to learn by the first that the news of peace diffused general satisfaction. I will not now take it upon me to justify the apparent reserve respecting this court at the signature, which you disapprove. We have touched upon it in our general letter. I do not see, however, that they have much reason to complain of that transaction. Nothing was stipulated to their prejudice, and none of the stipulations were to have force but by a subsequent act of their own. I suppose, indeed, that they have not complained of it, or you would have sent us a copy of the complaint, that we might have answered it. I long since satisfied Count de Vergennes about it here. We did what appeared to all of us best at the time, and if we have done wrong the Congress will do right after hearing us to censure us. Their nomination of five persons to the service seems to mark that they had some dependence on our joint judgment, since one alone could have made a treaty by direction of the French ministry as well as twenty.

I will only add, with respect to myself, neither the letter from M. Marbois, handed us through the British negociators (a suspicious channel), nor the conversations respecting the fishery, the boundaries, royalists, &c., recommending moderation in our demands, are of weight sufficient in my mind to fix an opinion that this court wished to restrain us in obtaining any degree of advantage we could prevail on our enemies to accord, since those discourses are fairly resolvable by supposing a very natural apprehension that we, relying too much on the ability of France to continue the war in our favor and supply us constantly with money, might insist on more advantages than the English would be willing to grant, and thereby lose the opportunity of making peace, so necessary to all our friends.

I ought not, however, to conceal from you that one of my colleagues is of a very different opinion from me in these matters. He thinks the French minister one of the greatest enemies of our country; that he would have straitened our boundaries to prevent the growth of our people, contracted our fishery to obstruct the increase of our seamen, and retained the royalists among us to keep us divided; that he privately opposes all our negociations with foreign courts, and afforded us, during the war, the assistance we received only to keep it alive, that we might be so much the more weakened by it; that to think of gratitude to France is the greatest of follies, and that to be influenced by it would ruin us. He makes no secret of his having these opinions, expresses them publicly, sometimes in presence of the English ministers, and speaks of hundreds of instances which he could produce in proof of them. None, however, have yet appeared to me, unless the conversations and letter above mentioned are reckoned such.

If I were not convinced of the real inability of this court to furnish the further supplies we asked, I should suspect these discourses of a person in his station might have influenced the refusal; but I think they have gone no further than to occasion a suspicion that we have a considerable party of antigallicans in America who are not tories, and consequently to produce some doubts of the continuance of our friendship. As such doubts may hereafter have a bad effect, I think we can not take too much care to remove them; and it is therefore I write this to put you on your guard (believing it my duty, though I know that I hazard by it a mortal enmity), and to caution you respecting the insinuations of this gentleman against this court, and the instances he supposes of their ill will to us, which I take to be as imaginary as I know his fancies to be, that Count de Vergennes and myself are continually plotting against him, and employing the newswriters of Europe to depreciate his character, &c. But, as Shakspeare says, "Trifles light as air," &c. I am persuaded, however, that he means well for his country, is always an honest man, often a wise one, but sometimes and in some things absolutely out of his senses.

When the commercial article mentioned in yours of the 26th was struck out of our proposed preliminaries by the British ministry, the reason given was that sundry acts of Parliament still in force were against it, and must be first repealed, which I believe was really their intention, and sundry bills were accordingly brought in for that purpose; but new ministers with different principles succeeding, a commercial proclamation totally different from those bills has lately appeared. I send enclosed a copy of it. We shall try what can be done in the definitive treaty towards setting aside that proclamation; but if it should be persisted in, it will then be a matter worthy the attentive discussion of Congress, whether it will be most prudent to retort with a similar regulation in order to force its repeal, which may possibly tend to bring on another quarrel, or to let it pass without notice, and leave it to its own inconvenience, or rather impracticability, in the execution, and to the complaints of the West India planters, who must all pay much dearer for our produce under those restrictions.

I am not enough master of the course of our commerce to give an opinion on this particular question, and it does not behoove me to do it; yet I have seen so much embarrassment and so little advantage in all the restraining and compulsive systems that I feel myself strongly inclined to believe that a State which leaves all her ports open to all the world upon equal terms, will, by that means have foreign commodities cheaper, sell its own productions dearer, and be on the whole the most prosperous. I have heard some merchants say that there is ten per cent. difference between *Will you buy?* and *Will you sell?* When foreigners bring us their goods they want to part with them speedily, that they may purchase their cargoes and despatch their ships, which are at constant charges in our ports: we have then the advantage of

their *Will you buy?* and when they demand our produce we have the advantage of their *Will you sell?* and the concurring demand of a number also contribute to raise our prices. Thus both these questions are in our favor at home, against us abroad.

The employing, however, of our own ships and raising a breed of seamen among us, though it should not be a matter of so much private profit as some imagine, is nevertheless of political importance, and must have weight in considering this subject.

The judgment you make of the conduct of France in the peace, and the greater glory acquired by her moderation than even by her arms, appears to me perfectly just. The character of this court and nation seems, of late years to be considerably changed. The ideas of aggrandizement by conquest are out of fashion, and those of commerce are more enlightened and more generous than heretofore. We shall soon, I believe, feel something of this in our being admitted to a greater freedom of trade with their islands. The wise here think France great enough; and its ambition at present seems to be only that of justice and magnanimity towards other nations, fidelity and utility to its allies.

The ambassador of Portugal was much pleased with the proceedings relating to their vessel, which you sent me, and assures me that they will have a good effect at his court. He appears extremely desirous of a treaty with our States; I have accordingly proposed to him the plan of one (nearly the same with that sent me for Sweden) and, after my agreeing to some alterations, he has sent it to his court for approbation. He told me at Versailles, last Tuesday, that he expected its return to him on Saturday next, and anxiously desired that I would not despatch our packet without it, that Congress might consider it, and, if approved, send a commission to me or some other minister to sign it.

I venture to go thus far in treating, on the authority only of a kind of a general power, given formerly by a resolution of Congress to Messrs. Franklin, Deane, and Lee; but a special commission seems more proper to complete a treaty, and more agreeable to the usual forms of such business.

I am in just the same situation with Denmark. That court, by its minister here, has desired a treaty with us. I have proposed a plan formed on that sent me for Sweden; it has been under consideration some time at Copenhagen, and is expected here this week, so that I may possibly send that also by this conveyance. You will have seen by my letter to the Danish prime minister that I did not forget the affair of the prizes. What I then wrote produced a verbal offer, made me here, of £10,000 sterling, proposed to be given by his majesty to the captors, if I would accept it as a full discharge of our demand. I could not do this, I said, because it was not more than a fifth part of the estimated value. In answer, I was told that the estimation was probably extravagant, that it would be difficult to come at the knowledge of their true value and that whatever they might be worth in

themselves, they should not be estimated as of such value to us when at Bergen, since the English probably watched them, and might have retaken them in their way to America; at least, they were at the common risk of the seas and enemies, and the insurance was a considerable drawback; that this sum might be considered as so much saved for us by the King's interference; for that if the English claimants had been suffered to carry the cause into the common courts they must have recovered the prizes by the laws of Denmark. It was added that the King's honor was concerned, that he sincerely desired our friendship, but he would avoid, by giving this sum, in the form of a present, to the captors, the appearance of its being exacted from him as a reparation of an injury, when it was really intended rather as a proof of his strong disposition to cultivate a good understanding with us.

I replied that the value might possibly be exaggerated; but that we did not desire more than should be found just on inquiry, and that it was not difficult to learn from London what sums were insured upon the ships and cargoes, which would be some guide; and that a reasonable abatement might be made for the risk; but that the Congress could not, in justice to their mariners, deprive them of any part that was truly due to those brave men, whatever abatement they might think fit to make (as a mark of their regard for the King's friendship) of the part belonging to the public; that I had, however, no instructions or authority to make any abatement of any kind, and could, therefore, only acquaint Congress with the offer, and the reasons that accompanied it, which I promised to state fully and candidly (as I have now done) and attend their orders, desiring only that it might be observed we had presented our complaint with decency, that we had charged no fault on the Danish Government but what might arise from inattention or precipitancy, and that we had intimated no resentment, but had waited with patience and respect to the King's determination, confiding that he would follow the equitable disposition of his own breast by doing us justice as soon as he could do it with conveniency; that the best and wisest princes sometimes erred; that it belonged to the condition of man, and was therefore inevitable; and the true honor in such cases consisted not in disowning or hiding the error, but in making ample reparation; that though I could not accept what was offered on the terms proposed, our treaty might go on, and its articles be prepared and considered, and in the mean time, I hoped his Danish majesty would reconsider the offer, and make it more adequate to the loss we had sustained. Thus that matter rests, but I hourly expect to hear further, and perhaps may have more to say on it before the ship's departure.

I shall be glad to have the proceedings you mention respecting the brig *Providentia*. I hope the equity and justice of our admiralty courts respecting the property of strangers will always maintain their reputation, and I wish particularly to cultivate the disposition of friendship towards us, apparent in the late proceedings of Denmark, as the Danish



islands may be of use to our West India commerce while the English impolitic restraints continue.

The Elector of Saxony, as I understand from his minister here, has thoughts of sending one to Congress, and proposing a treaty of commerce and amity with us. Prussia has likewise an inclination to share in a trade with America, and the minister of that court, though he has not directly proposed a treaty, has given me a packet of lists of the several sorts of merchandize they can furnish us with, which he requests me to send to America for the information of our merchants.

I have received no answer yet from Congress to my request of being dismissed from their service. They should, methinks, reflect that if they continue me here, the faults I may henceforth commit, through infirmities of age, will be rather theirs than mine. I am glad my journal afforded you any pleasure. I will, as you desire, endeavor to continue it. I thank you for the pamphlet; it contains a great deal of information respecting our finances. We shall, as you advise, avoid publishing it. But I see they are publishing it in the English papers. I was glad I had a copy authenticated by the signature of Secretary Thomson, by which I could assure Count de Vergennes that the money contract I had made with him was ratified by Congress, he having just before expressed some uneasiness to me at its being so long neglected. I find it was ratified soon after it was received, but the ratification, except in that pamphlet, has not yet come to hand. I have done my best to procure the further loan directed by the resolution of Congress. It was not possible. I have written on that matter to Mr. Morris. I wish the rest of the estimates of losses and mischiefs were come to hand; they would still be of use.

Mr. Barclay has in his hands the affair of the *Alliance* and *Bon Homme Richard*. I will afford him all the assistance in my power, but it is a very preplexed business. That expedition, though for particular reasons under American commissions and colors, was carried on at the King's expense, and under his orders. M. de Chaumont was the agent appointed by the minister of marine to make the outfit. He was also chosen by all the captains of the squadron, as appears by an instrument under their hands, to be their agent, receive, sell, and divide prizes, &c. The Crown bought two of them at a public sale, and the money I understand is lodged in the hands of a responsible person at L'Orient. M. de Chaumont says he has given in his accounts to the marine, and that he has no more to do with the affair, except to receive a balance due to him. That account, however, is I believe unsettled, and the absence of some of the captains is said to make another difficulty which retards the completion of the business. I never paid or received anything relating to that expedition, nor had any other concern in it than barely ordering the *Alliance* to join the squadron at M. de Sartine's request. I know not whether the other captains will not claim a share in what we may obtain from Denmark, though the prizes were made by the *Al-*

*liance* when separate from the squadron. If so, that is another difficulty in the way of making abatement in our demand without their consent.

I am sorry to find that you have thoughts of quitting the service. I do not think your place can be easily well supplied. You mention that an entire new arrangement with respect to foreign affairs is under consideration. I wish to know whether any notice is likely to be taken in it of my grandson. He has now gone through an apprenticeship of near seven years in the ministerial business, and is very capable of serving the States in that line, as possessing all the requisites of knowledge, zeal, activity, language, and address. He is well liked here, and Count de Vergennes has expressed to me in warm terms his very good opinion of him. The late Swedish ambassador, Count de Creutz, who has gone home to be prime minister, desired I would endeavor to procure his being sent to Sweden with a public character, assuring me that he should be glad to receive him there as our minister, and that he knew it would be pleasing to the King. The present Swedish ambassador has also proposed the same thing to me, as you will see by a letter of his which I enclose.\* One of the Danish ministers, M. Walterstorff, who will probably be sent in a public character to Congress, has also expressed his wish that my grandson may be sent to Denmark. But it is not my custom to solicit employments for myself or any of my family, and I shall not do it in this case. I only hope that if he is not to be employed in your new arrangement I may be informed of it as soon as possible, that while I have strength left for it I may accompany him in a tour to Italy, returning through Germany, which I think he may make to more advantage with me than alone, and which I have long promised to afford him as a reward for his faithful service and his tender, filial attachment to me.

JULY 25.

While I was writing the above M. Walterstorff came in and delivered me a packet from M. Rosencrone, the Danish prime minister, containing the project of the treaty, with some proposed alterations, and a paper of reasons in support of them.† Fearing that we should not have time to copy them, I send herewith the originals, relying on his promise to furnish me with copies in a few days. He seemed to think that the interests of the merchants is concerned in the immediate conclusion of the treaty, that they may form their plans of commerce, and wished to know whether I did not think my general power, above mentioned, sufficient for that purpose. I told him I thought a particular commission more agreeable to the forms, but if his Danish majesty would be content for the present with the general authority, formerly

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\* See the Swedish ambassador's letter, *supra*, June 13, 1783.

† See M. de Rosencrone's letter and the other papers here mentioned, *supra*, July 8, 1783.

given to me, I believed I might venture to act upon it, reserving by a separate article to Congress the power of shortening the term in case any part of the treaty should not be to their mind, unless the alteration of such part should hereafter be agreed on.

The Prince de Deuxpouts was lately at Paris, and applied to me for information respecting a commerce which is desired between the Electorate of Bavaria and America. I have it also from a good hand at the court of Vienna that the Emperor is desirous of establishing a commerce with us from Trieste, as well as Flanders, and would make a treaty with us if proposed to him. Since our trade is laid open, and no longer a monopoly to England, all Europe seems desirous of sharing in it, and for that purpose to cultivate our friendship. That it may be better known everywhere what sort of people and what kind of government they will have to treat with, I prevailed with our friend, the Duc de la Rochefoucault, to translate our book of constitutions into French, and I presented copies to all the foreign ministers. I send you one herewith. They are much admired by the politicians here, and it is thought will induce considerable emigrations of substantial people from different parts of Europe to America. It is particularly a matter of wonder that in the midst of a cruel war raging in the bowels of our country our sages should have the firmness of mind to sit down calmly and form such complete plans of government. They add considerably to the reputation of the United States.

I have mentioned above the port of Trieste, with which we may possibly have a commerce, and I am told that many useful productions and manufactures of Hungary may be had extremely cheap there. But it becomes necessary first to consider how our Mediterranean trade is to be protected from the corsairs of Barbary. You will see by the enclosed copy of a letter\* I received from Algiers the danger two of our ships escaped last winter. I think it not improbable that those rovers may be privately encouraged by the English to fall upon us, and to prevent our interference in the carrying trade; for I have in London heard it is a maxim among the merchants that if *there were no Algiers it would be worth England's while to build one*. I wonder, however, that the rest of Europe do not combine to destroy those nests, and secure commerce from their future piracies.

I made the Grand Master of Malta a present of one of our medals in silver, writing to him a letter, of which I enclose a copy,† and I believe our people will be kindly received in his ports; but that is not sufficient, and, perhaps, now we have peace, it will be proper to send ministers with suitable presents to establish a friendship with the Emperor of Morocco and the other Barbary states, if possible. Mr. Jay will inform you of some steps that have been taken by a person at Alicant, without authority, towards a treaty with that Emperor. I send you

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\* See *supra*, Salva to Franklin, April 1, 1783.

† See *supra*, Franklin to Grand Master of Malta, April 6, 1783.

herewith a few more of the above-mentioned medals, which have given great satisfaction to this court and nation. I should be glad to know how they are liked with you.

Our people who were prisoners in England are now all discharged. During the whole war those who were in Forton prison, near Portsmouth, were much befriended by the constant, charitable care of Mr. Wren, a Presbyterian minister there, who spared no pains to assist them in their sickness and distress by procuring and distributing among them the contributions of good Christians, and prudently dispensing the allowance I made them, which gave him a great deal of trouble, but he went through it cheerfully. I think some public notice should be taken of this good man. I wish the Congress would enable me to make him a present, and that some of our universities would confer upon him the degree of Doctor.

The Duke of Manchester, who has always been our friend in the House of Lords, is now here as ambassador from England. I dine with him to-day, 26th, and if anything of importance occurs I will add it in a postscript. Be pleased to present my dutiful respects to Congress, assure them of my faithful services, and believe me to be, with great and sincere esteem, sir, &c.,

B. FRANKLIN.

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PLAN OF A TREATY WITH PORTUGAL.

*Plan of a Treaty of Amity and Commerce between Her Most Faithful Majesty the Queen of Portugal and Algarva and the United States of North America.*

Her most faithful majesty the Queen of Portugal and Algarva and the United States of North America, anxious to fix in an equitable and permanent manner the regulation which ought to be observed with regard to the commerce they wish to establish between their respective countries, conceive that they can not more effectually attain this end than by observing, as the basis of their arrangement, the most perfect equality and reciprocity, allowing each party the liberty of making such interior regulations respecting their commerce and navigation as may best suit them, resting the advantages of commerce on its reciprocal utility and the laws of a just concurrence. In consequence of these principles and of a mature deliberation, her most faithful majesty and the United States have agreed on the following articles:

ARTICLE I. There shall be a firm, inviolable, and universal peace and a sincere amity between her most faithful majesty the Queen of Portugal, her heirs and successors, and the United States of North America, as well with respect to the citizens and subjects of the said two parties as their people, islands, cities, and places situated within their respective jurisdictions, and between their people and inhabitants of all classes, without exception of persons and places, similar to what has been already established with the most favorite powers.

ARTICLE II. The subjects of her most faithful majesty may freely frequent and reside in the United States, and traffic in all kinds of effects and merchandizes, whose importation and exportation is not or shall not be prohibited; and they shall not pay in the ports, harbors, roads, countries, islands, cities, and places within the United States other or greater duties or imposts of any kind whatever than such as the most favored nations are or shall be obliged to pay. And they shall enjoy all the rights,

liberties, privileges, immunities, and exemptions with respect to trade, navigation, and commerce, whether in going from one port of the said States to another, or in going there or returning from any part or to any part of the world whatever, which the said nations do or shall enjoy.

ARTICLE III. In the like manner the citizens and inhabitants of the United States of North America shall freely frequent and reside in the states of her most faithful majesty in Europe; also in Madeira and the Azores, and trade there in all kinds of effects and merchandizes, the importation and exportation of which is not or shall not be prohibited; and they shall not pay in the ports, harbors, roads, countries, islands, cities, and places of the Queen of Portugal other or greater duties of any kind whatsoever than such as the most favored nations are or shall be bound to pay; and they shall enjoy all the rights, liberties, privileges, immunities, and exemptions as to trade, navigation, and commerce, whether in going from one port of her most faithful majesty's states to another, or in going there or returning from any part of the world whatever, which the said nations do or shall enjoy.

ARTICLE IV. Her most faithful majesty shall use every means in her power to protect and defend all the vessels and property belonging to the subjects, people, and inhabitants of the said United States which shall be in her ports, harbors, or roads against any violence whatever that may be committed by the subjects of her said majesty, by punishing such as shall violate these principles.

ARTICLE V. The preceding article shall be in like manner reciprocally and exactly observed on the part of the United States with respect to the vessels and property belonging to the subjects of her said majesty which shall be found in their ports, harbors, or roads against any violence that may be committed by the subjects of the United States.

ARTICLE VI. If any squadrons or vessels of war touch at the ports or enter into the seas in the neighborhood of her most faithful majesty's states, they shall conform to the regulations already established with respect to the other most favored maritime powers.

ARTICLE VII. The United States of America likewise oblige themselves reciprocally to observe with exactitude the stipulations contained in the above article.

ARTICLE VIII. It is likewise agreed and determined that every merchant, captains of merchant vessels, or other subjects of her most faithful majesty, shall have entire liberty, in all places within the dominion or jurisdiction of the United States of America, to manage themselves their own affairs, and to employ therein whomsoever they please, and that they shall not be obliged to make use of any interpreter or broker, nor to pay them any fee, unless they do employ them. Moreover the masters of the vessels shall not be obliged, in loading or discharging their vessels, to employ workmen appointed for that purpose by public authority, but they shall be entirely free to discharge or load themselves their vessels, and to employ, in loading or discharging, such persons as they shall think proper for the purpose, without paying any fee under the title of salary to any other person whatever, and they shall not be obliged to put any kind of merchandize in other vessels, or to receive them on board, and wait to be loaded any longer time than what they please, and all and every of the citizens, people, and inhabitants of the United States of America shall have and shall reciprocally enjoy the same privileges and liberties in all the aforesaid places within her most faithful majesty's jurisdiction in Europe. And as to what concerns contraband goods which may be introduced in merchant vessels belonging to either nation, they shall be obliged to submit to the visit of the officers appointed in the two states, to prevent the said contraband, and for that purpose to conform to the established regulations or such as shall be established within the respective states.

ARTICLE IX. Full and entire liberty of conscience shall be granted to the inhabitants and subjects of each party, and no one shall be molested with respect to his worship, provided he submits, as far as respects the public demonstration, to the laws of the country. The inhabitants and subjects of either party who shall die in the

territory of the other party shall be permitted to be buried in suitable and decent places, which shall be assigned for that purpose, and the two contracting powers shall provide, each within its own jurisdiction, that the respective subjects and inhabitants may obtain certificates of death in case they shall be required to deliver them.

ARTICLE X. The subjects of the contracting parties may, within the respective states, freely dispose of their property, movable and immovable, either by testament, donation, or otherwise, in favor of such persons as they may think proper, and their heirs, wherever they may dwell, shall receive these successions, even *ab intestato*, either in person or by attorney, without the necessity of obtaining letters of naturalization. These inheritances, as well as the capitals and effects which the subjects of the two parties in changing their residence would carry from the place of their abode, shall be exempted from any duties on the part of the government of the two respective states. The contents of this article shall in nowise derogate from the ordinances published against emigrations, or which shall hereafter be promulgated within the dominions of the two powers, the exercise of which they reserve to themselves.

ARTICLE XI.—If, hereafter, a war should happen between Portugal and the United States, which God forbid, the space of nine months shall be granted to the merchants of either country, residing at that time in the other, to collect their debts and put their affairs in order, and that they may depart with all their effects without let or molestation. All fishermen, farmers, artisans, or manufacturers, unarmed and residing in cities, places, and villages not fortified, who work for the subsistence and welfare of mankind and who peaceably exercise their respective employments, shall be allowed to continue their occupations without molestation from the armed forces of the enemy, in whose power they may fall through the events of war; but should it be necessary to take anything from them for the use of the army, they shall be paid for them at a reasonable price. All traders and merchants, whose vessels shall not be armed for war, but employed in the commerce of exchanging the productions of different countries, and thereby rendering the wants, conveniences, and comforts of life easier to be obtained and more universal, shall be permitted to pass freely and without molestation. Neither of the contracting powers shall grant a commission to any privateer, authorizing it to take or destroy such merchant vessels, or to interrupt such commerce.

ARTICLE XII.—In order to remove and prevent on both sides every difficulty and misunderstanding that commonly happen respecting merchandize heretofore denominated contraband, and which shall be judged such by the powers of Europe in their respective treaties—that is to say, arms and warlike stores—it has been agreed that in case where one of the contracting parties shall be engaged in a war against any other nation, none of these articles carried in the vessels, or by the subjects of one of the parties to the enemies of the other, shall be considered contraband under any pretext whatever, nor be confiscated or taken away as such from any individual. It shall, nevertheless, be lawful to stop such vessels and to detain them as long as the captors shall think necessary to prevent the inconveniences or damages that may result from the continuation of their voyage, by paying, however, to the proprietors a reasonable compensation for the loss which such detention may occasion; moreover the captors shall be permitted to use, in whole or in part, the warlike stores thus detained, provided that they pay the full value thereof to the proprietors.

ARTICLE XIII. All vessels and merchandize, of whatever kind, that shall be recovered from pirates of the high seas, shall be brought into some port of one of the two states and delivered to the care of the officers of the said port, in order that they may be completely restored to their true proprietor as soon as he shall have duly and sufficiently proved his property.

ARTICLE XIV. None of her most faithful majesty's subjects shall take a commission or letter of marque to arm any vessel or vessels for the purpose of acting as privateers against the United States, or any of them, or against their subjects, people

or inhabitants, or against their property, or that of the inhabitants of either of them, from any prince whatever with whom the said States shall be at war. In like manner, no citizen or subject, or inhabitant of the aforesaid United States, or any of them, shall demand any commission or letter of marque to arm any vessel or vessels to cruise against the subjects of her most faithful majesty, or any of them, or their property, from any prince or state whatever with whom the said queen shall be at war; and if any one belonging to either nation takes such commission or letter of marque he shall be punished as a pirate.

ARTICLE XV. In case the vessels, subjects, and inhabitants of one of the two contracting parties shall approach the coasts of the other, without designing, however, to enter into the port, or, after having entered, without intention to discharge their cargo or to break bulk, they shall be at liberty to depart or to pursue their voyage without molestation.

ARTICLE XVI. It is stipulated by the present treaty that free vessels shall secure the liberty of the persons who shall be on board, even should they be the enemies of one of the two contracting parties, and they shall not be taken out of the said vessels unless they are military characters and actually in the enemy's service.

ARTICLE XVII. The two contracting parties mutually grant permission to maintain in their respective ports consuls, vice-consuls, agents, and commissaries, whose functions shall be regulated by a particular convention, whenever either party may be pleased to establish it.

ARTICLE XVIII. The present treaty shall be ratified on both sides, and the ratification shall be exchanged in the space of eight months, or sooner if possible, reckoning from the date of the signature.

ARTICLE XIX. Her most faithful majesty the Queen of Portugal and Algarva and the United States of North America agree that the present treaty shall be in full force, reckoning from the date of its ratification, and the two contracting parties reciprocally promise to observe it exactly.

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J. Adams to Livingston.\*

THE HAGUE, *July 23, 1783.*

SIR: On Saturday last I left Paris and arrived here last night. This morning I sent M. Dumas to M. Van Berckel and M. Gyselaer, to inform them of my arrival, and to desire a conversation with them upon the subject of the commerce between the United States and the Dutch establishments in the West Indies.

M. Van Berckel told M. Dumas "that St. Eustatia and Curaçoa were open to the vessels of all nations and to the commerce of all the world, but that it was not the interest of the West India Company alone, but that of the whole state, that obliged them to confine the commerce of their sugars to themselves, because of the great number of their refineries of sugar; that all their own sugars were not half enough to employ their sugar-houses, and that at least one-half of the sugars refined in Holland were the production of the French West India Islands."

I suppose that some of these sugars may have been carried first to

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\* MSS. Dep. of State; 4 Sparks' Dip. Rev. Corr., 74, with verbal changes; 8 J. Adams' Works, 110.

St. Eustatia and brought from thence to Holland, and some others may have been purchased in the ports of France and imported raw from thence. I do not know that Dutch vessels were permitted to purchase sugars in the French islands and export them from thence. This matter deserves to be examined to the bottom. If France has not sugar-houses for the refinement of her own sugars, but is obliged to carry them or to permit their being carried to Amsterdam and Rotterdam for manufacture, why should she not be willing that the same sugars should be carried by Americans to Boston, New York, and Philadelphia? Surely France has no predilection for Holland rather than America. But what is of more weight, all the sugars which America takes will be paid for in articles more advantageous to the islands and to France than the pay that is made by the Dutch. If any sugars refined in Holland are afterwards sold in France, surely it would be more for the interest of France, or rather less against her interests, to have the same sugars refined in America and afterwards sold in France, because the price of them would be laid out by us in France. There is this difference between us and the Dutch and all other nations, we spend in Europe all the profits we make and more, the others do not. But if the French sugars refined in Holland are afterwards sold in other parts of Europe, it would be just as well that we should sell them. We have sugar-houses as well as the Dutch, and ours ought not to be more obnoxious to French policy or commerce than theirs.

Sugars are a great article. There is a great consumption in America. It is not the interest of any nation that has sugars to sell to lessen the consumption there. All such nations should favor that consumption in order to multiply purchasers and quicken the competition, by which the price is raised. None of these nations, then, will wish to prevent our having sugar, provided we offer as high or a higher price. How they will be able to arrange their plans so that we may have enough for our own consumption, without having more, without having some for exportation, I do not know.

We have now St. Eustatia and Curaçoa, St. Lucia and Martinique, St. Thomas and St. Martin's, no less than six free ports in the West Indies; and perhaps England may be induced, necessitated indeed, to add two more to the number, and make eight. At these free ports it will be hard if we can not find sugars, when we carry thither all our own productions in our own ships. And if the worst should happen, and all the nations who have sugar islands should forbid sugars to be carried to America in any other than their own bottoms, we might depend upon having enough of this article at the free ports to be brought away in our own ships, if we should lay a prohibition or a duty upon it in foreign ships. To do either the States must be united, which the English think can not be. Perhaps the French think so, too, and in time they may persuade the Dutch to be of the same opinion. It is to be hoped we shall disappoint them all. In a point so just and reason-



able, when we are contending only for an equal chance for the carriage of our own productions and the articles of our own consumption, when we are willing to allow to all other nations even a free competition with us in this carriage, if we can not unite it will discover an imperfection and weakness in our constitution which will deserve a serious consideration.

M. Visscher, pensionary of Amsterdam, who came in to visit me when I had written thus far, showed me a list of the directors of the West India Company, and refers me to M. Bicker, of Amsterdam, as one of the most intelligent of them. He says that the colonists of Surinam, Berbice, Essequibo, and Demarara have been in decay and obliged to borrow money of the merchants at home, and have entered into contracts with those merchants to send them annually all the productions of their plantations to pay the interest and principal of their debts; that this will make it difficult to open the trade.

Soon after M. Visscher went out M. Van Berckel came in. I entered into a like conversation with him, and told him that I thought the decay of their plantations in the West Indies had been owing to the rivalry of other nations, especially the English, whose islands had greater advantages from a freer communication with North America; and I thought it might be laid down as a rule, that those islands would flourish most in population, culture, commerce, and wealth which had the freest intercourse with us, and that this intercourse would be a natural means of attracting the American commerce to the metropolis. He thought so, too.

I then mentioned to him the loan, and asked him if he thought that the States-General, the States of Holland, or the Regency of Amsterdam would be likely in any way to aid us? He said no; that the country was still so much divided that he could not depend upon any assistance in that way; that the council of Amsterdam was well enough disposed, but that the burgomasters were not so; that M. Temmink, M. Huggens, and M. Rendorp were not to be depended on in such an affair; that, therefore, our only resource was, to endeavor to gain upon the public opinion and the spirit of the nation, and that, in this respect, he would do me all the service in his power. He thought that the present uncertainty about the definitive treaty, and the fate of the Republic would be an obstacle, but the definitive treaty once signed, he thought our loan would succeed very well. I asked him whether he thought that the junction of three houses in my loan was any obstruction to it, and whether any one of them, or whether any other house would do better? I told him what his brother (now I hope in Philadelphia) had said to M. Dumas, viz., that the house of Wilhelm and Van Willink alone would succeed sooner than the three. I asked him whether the house of Hope, either alone or in conjunction with that of the Willinks, or any other, would undertake it? He said this might well be, and that if they saw their interest in it they would, for those mercantile

houses had no other object in view. He promised me to make inquiry into this matter and let me know the result.

Upon this occasion I must inform Congress that it is absolutely necessary they should send another minister to this Republic without loss of time; because our three present houses, before they would undertake the loan, extorted a promise from me not to open another with any other house until the five millions should be full. This engagement I took for myself alone, however, and expressly premised that Congress should not be bound by it; that Congress should be perfectly free, and that any other minister they might send here should be perfectly free to open another loan, when and with whom they pleased. A new minister, therefore, may open a loan when he will, with Hope, Willink, or whom he will, and I am persuaded it would succeed to a good amount.

I made visits to day, the 25th of July, to the grand pensionary, the Secretary Fagel, the president of the week, and M. Gyselaer; and returned visits to M. Van Berckel and M. Visscher. M. Gyselaer says, that at present there is no ready money (*argent comptant*) in the Republic, but in two months there will be, and the loan will go very well.

At noon I went to the House in the Grove, to make my court to the Prince and Princess of Orange.

The Prince either happened to be in a social humor, or has had some political speculations lately, for he thought fit to be uncommonly gracious and agreeable. He made me sit, and sat down by me, and entered into familiar conversation about the negotiations of peace. He asked many questions about it, and the probability of a speedy conclusion of the definitive treaty. At length, he asked me if Dr. Franklin was left alone. I answered that Mr. Jay was with him. He asked if I returned before the signature. I answered that such was my intention. He asked whether Dr. Franklin was an ambassador. I answered that he was a minister plenipotentiary only. He asked if none of us were ambassadors. I answered that we all had the same rank of ministers plenipotentiary, and that Congress had never yet made an ambassador. He said he was astonished at that; that he had a long time expected to hear that we had displayed the character of ambassadors. I asked his highness what reason he had for this, and what advantage there was in it. "Why," said he, "I expected that your Republic would early assert her right to appoint ambassadors. Republics have been generally fond of appointing ambassadors, in order to be on a footing with crowned heads. Our Republic began very early. We had eight ambassadors at the peace of Munster; one for each Province, and one supernumerary. And we always choose to appoint ambassadors, for the sake of being upon an equality with crowned heads. There are only crowned heads, Republics, and the Electors of the Empire, who have a right to send ambassadors; all others can only send envoys and ministers plenipotentiary. Princes can not send ambassadors. I can not, as Stadtholder, nor as Prince, nor in any other

quality, send a minister of any higher order than an envoy or minister plenipotentiary." He asked me what was the reason the Congress had not made use of their right. I answered his highness, that really I did not know. It was a subject I had never much reflected on; perhaps Congress had not. Or they might think it a matter of ceremony and of show, rather than substance; or might think the expense greater than the advantage. He said it was very true the dignity of the rank must be supported, but he thought the advantage worth more than the expense.

I am utterly at a loss for his highness' motives for entering so minutely into this subject. Whether M. Van Berckel, before his departure, had mentioned it; whether he thought he should please me by it; whether he thought to please Congress by it; whether he affected to interest himself in the honor of the United States; or whether any of the politicians of this, or any other country, have put him upon it, or whether it is mere accident, I know not. They are the words of a prince, and I have reported them very exactly.

I have the honor to be, &c.,

JOHN ADAMS.

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\* Morris to Grand.

OFFICE OF FINANCE, *July 25, 1783.*

SIR: I have received your letter of the 15th of April, covering a statement of your accounts, by which it appears that my bills on you exceed the sum which you will have to receive from the court on this year's subsidy. This circumstance gives me great pain, for it would be very hard if, after supporting our credit in Europe during the war, it should be fatally ruined on the establishment of peace. You will have learned by my former letters that I had taken measures to throw into your hands all the moneys which I could by any means command for that purpose. I am still in hopes that the court will make a further effort in our favor; but, at any rate, if your payments should exceed your funds, I must replace your advances by remittances from hence. I hope that our affairs will soon take such a form, solidity, and establishment as to render all things perfectly easy, and the conclusion of the definitive treaty, which will enable us to reduce our expenditures, added to the advantages of a general lucrative commerce, cannot fail of absorbing what few engagements may be at present unprovided for. On the whole, my dear sir, I have only to say, my bills must be honored, and your zeal in favor of America must be rewarded.

With sincere esteem, I am, &c.,

ROBERT MORRIS.

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\* MSS. Dep. of State; 6 Sparks' Dip. Rev. Corr., 628.

J. Adams to Livingston.\*

THE HAGUE, July 25, 1783.

SIR: It is the general opinion here, both among the members of the States and at the *Hôtel de France*, that the delays of the definitive pacification are contrived by the court of London in order to set all their instruments at work in this Republic to induce it to renew its ancient connexions with Great Britain, particularly their alliance, offensive and defensive, by which each power was bound to furnish the other, if attacked, a certain number of ships and troops. Against this the patriotic party is decided, and they are now very well satisfied with the grand pensionary, Bleiswick, because he openly and roundly takes their side, and the court is said to be discontented with him for the same reason. There is, no doubt, an intelligence and correspondence between the two courts of London and the Hague to bring about this point. The grand pensionary told me yesterday that the court of London desired it, and there were persons here who desired it, and he knew very well who they were; but that most certainly they would not carry their point. Van Berckel, Visscher, and Gyselaer all assured me of the same, and added that the fear of this had determined them not to send a minister to London, but to go through with the negociation at Paris, although they were all highly dissatisfied with the conduct of France, and particularly with that of the Count de Vergennes.

They all say he has betrayed and deserted them, played them a very bad trick (*tour*), and violated his repeated promises to them. They do not in the least spare M. Berenger and M. Merchant, who conduct the French affairs here in the absence of the Duc de la Vauguyon, but hold this language openly and freely to them. These gentlemen have sometimes found it hard to bear, and have winced and sometimes even threatened; but their answer has been more mortifying still: "Do as you please, drive the Republic into the arms of England if you will. Suppress all the friends of France, if you chose it." And some of them have said: "We will go to America." They all say that France had the power to have saved them; that the acquisition of Tobago was no equivalent to France for the loss of the Republic, &c., &c., &c. They are all highly pleased with the conduct of their own ambassador, Brantzen, with his activity, intelligence, and fidelity. They all say that they would send a minister to London to negociate there, if they were sure of being able to carry an election for a man they could depend upon. But the court here would have so much influence in the choice that they would run a risk of sending a man who would insensibly lead them into a revival of the old ties with England, which they say is enslaving the Republic to that kingdom.

I learn here from all quarters a confirmation of what I had learned

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\*MSS. Dep. of State; 4 Sparks' Dip. Rev. Corr., 79, with verbal changes; 8 J. Adams' Works, 115.

before at Paris from M. Brantzen and the Duc de la Vauguion, viz., that the Duke of Manchester had given them no answer, nor said a word to them for six weeks, in answer to the propositions they had made; among which was an offer of an equivalent for Negapatnam. They offered some establishments in Sumatra and Surat. Lately the Duke of Manchester has received a courier, and has given an answer that a real equivalent might be accepted. No answer is given to any other point, and this is vague; so that another courier must go to London and return. Parliament is now up, and perhaps the ministers may now be more attentive and less timorous.

I have the honor to be, &c.,

JOHN ADAMS.

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Dana to Livingston.\*

ST. PETERSBURGH, *July 27 (July 16, O. S.), 1783.*

SIR: I have this day been honored with the duplicate of your letter of the 1st of May last, enclosing the resolution of Congress of the 1st of April, approving of my intention of returning to America, provided I should not be engaged in a negociation with this court at the time I should receive that resolution, but that if I should be, it is the desire of Congress that I should finish such negociation before I return. This letter has come very opportunely to hand, as we are in expectation every moment of receiving the account of the conclusion of the definitive treaty of peace, when I should have immediately had my audience of her Imperial majesty. I shall now think it expedient to decline that honor, for it would be a very useless ceremony to take an audience of reception one day when the next I must ask one of departure. For, as according to your letter, it not only seems that Congress declines being at the customary expense of concluding a treaty with her Imperial majesty, but you say also, with respect to a commercial treaty (the only one I had any intention of concluding), none could be signed by me, as my powers only extend to *communicate* with her Imperial majesty's ministers on the subject of a treaty, &c., &c., but not to sign it. I confess I had put a very different construction upon the passage of my instructions alluded to, which is: "You shall assure her Imperial majesty and her ministers of the sincere disposition of the United States to enter into a treaty of friendship and commerce with her, on terms of the most perfect equality, &c., and you are authorized to communicate with her Imperial majesty's ministers on the form and terms of such treaty, and transmit the same to Congress for their ratification," especially when taken in conjunction with the following paragraph of my commission: "And he is further authorized in our name, and on behalf of the United States, to propose a treaty of amity and commerce between

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\* MSS. Dep. of State; 4 Sparks' Dip. Rev. Corr., 731.

these United States and her said Imperial majesty, and to confer and treat thereon with her ministers vested with equal powers, so far as the same shall be founded on principles of equality, &c., transmitting such treaty for our final ratification. And we declare in good faith that we will confirm whatsoever shall by him be transacted in the premises."

But it is useless to spend a moment's consideration upon the extent of my powers, when you say you are persuaded that it is the wish of Congress rather to postpone any treaty with Russia than to buy one at this day, as I am persuaded no treaty is to be obtained, or could be honorably proposed, without conforming, as other nations have done, to the usage of this court in that respect; and that it would be for the interest of the United States immediately to conclude a commercial treaty with her Imperial majesty, such a one as I flatter myself I could obtain, I have not the least doubt upon my mind. As to the neutral confederation, I have the honor to agree in opinion with you, that it is now of little consequence to us; for this reason I had determined to have nothing to do with it, even if I could not obtain a commercial treaty without acceding to it, as was the case with Portugal.

I pray you to be pleased to acquaint Congress that I shall improve the earliest opportunity to leave this country and to return to America. Happily, I shall have a very good one in three weeks or a month, in the yacht of the Duchess of Kingston, which will sail from hence for Boston, where I hope to arrive in all November. I have not received the letter from Mr. Morris, which you mention, or the original of your No. 9.

I have the honor to be, &c.,

FRANCIS DANA.

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Franklin to Morris. \*

PASSY, July 27, 1783.

SIR: I have been honored by your letters in the *Washington* of the 3d, 11th, 13th, 19th of January, and the 26th and 31st of May. Till that ship arrived we had been totally in the dark respecting American affairs for near six months. The correspondence may henceforth be more regular, as five packet boats are now ordered here to depart from L'Orient for New York the middle of each month, which, with those that I understand will continue to depart from England the beginning of each month, will give opportunities of writing every fortnight. The first from hence is to sail the third Tuesday in September. I have received also your despatches per Colonel Ogden, and also a set that had been in England, and were opened. They contained all your correspondence with General Washington and the contractors relating to the difficulties in supplying the army, and I am afraid have had an ill

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\* MSS. Dep. of State.

effect on the negotiations, the conciliating views of the ministry respecting our commerce with their islands seeming by their late proclamation to be entirely changed.

I am happy to find that you had agreed to continue the exercise of your office for some time longer. Your reputation as well as your abilities is necessary to our affairs. I am amazed at the quantity of business you so well go through.

The affair between you and the Intendant of the French army, respecting the irregular transactions of de Mars and de Brassine, is not, as I understand from General de Chattellux, at all spoken of here; and he is of opinion that, as it is settled by the event of the suit, there can be no use in taking any farther notice of it at present. I shall therefore say nothing of it to the ministers unless you shall hereafter think proper to direct it.

Mr. Grand and myself were for a long time in a most anxious situation here; our funds nearly absorbed, fresh drafts continually appearing, more foreseen, and all our worrying of the ministers with applications for farther aids from government proving ineffectual. We at length, however, after many difficulties, obtained what was wanted from the loan in Holland. Upon the receipt of your letters I made the fresh application directed, but without success, as you will see by the letters enclosed, and I hope in God that no more such orders will be sent me. If our people who neither pay rents nor tithes would only pay honestly in taxes half what other nations pay in those articles our whole debt might be discharged in a twelvemonth. But I conceive the great difficulty lies in the collection of our taxes, through the dispersed situation of our inhabitants, and the excessive trouble of going from house to house many miles to collect a few shillings from each, often obliged to repeat the calls. Might not this be helped by some laws, such as one disabling a man to take out a writ or commence any action, for receiving any debt, damage, legacy, &c., or to receive any other benefit or protection from the laws of the society, who does not prove that he has duly contributed to its support by producing the collector's receipt for his last taxes.

The Farmers-General, who have been extremely kind and favorable to us, in never urging a compliance with our contract or a repayment of the million they advanced to us, nor demanding any interest, have lately been with me and intimated that they hoped now we were in peace, it might not be inconvenient to us to proceed in discharging the debt. After some conversation on the means, they agreed to write me a letter, of which I send a copy. You will understand a part of it by knowing that I recommended you warmly to them as a proper correspondent after this affair and your office should be finished. I ought and do as warmly recommend to you the doing them justice as speedily as may be and favoring them where it is practicable, for we are really

under great obligations to them. Enclosed is a copy of their account. It was sent before, but probably miscarried.

I am content with the method established respecting the salaries, and am, with sincere and great esteem &c.,

B. F.

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Franklin, Jay, and Laurens to Livingston. \*

PARIS, *July 27, 1783.*

SIR: The definitive treaties between the late belligerent powers are none of them yet completed. Ours has gone on slowly, owing partly to the necessity Mr. Hartley, successor of Mr. Oswald, thinks himself under of sending every proposition, either his own or ours, to his court for their approbation, and their delay in answering, through negligence perhaps, since they have heard our ports are open, or through indecision, occasioned by ignorance of the subject, or through want of union among the ministers. We send you herewith copies of several papers that have passed between us. He has for some time assured us that he is in hourly expectation of answers, but they do not arrive. The British proclamation respecting the commerce appears to vex him a good deal. We enclose a copy. And we are of opinion that finally we shall find it best to drop all commercial articles in our definitive treaty, and leave everything of that kind to a future special treaty, to be made either in America or in Europe, as Congress shall think fit to order. Perhaps it may be best to give powers for that purpose to the minister that probably will be sent to London. The opinion here is, that it will be becoming in us to take the first step towards the mutual exchange of ministers, and we have been assured by the English minister who treats with us here that ours will be well received.

The Dutch preliminaries are not yet agreed on, and it seems to be settled that we are to sign all together, in the presence of the ministers of the two Imperial courts, who are to be complimented with the opportunity of signing as mediators, though they have not yet, and perhaps will not be consulted in the negotiations. Mr. Adams has gone to Holland for three weeks, but will return sooner if wanted. The propositions you mention as made to us from that State we suppose he has given you an account of. Nothing was, or is likely to be, done upon them here, and therefore it was less necessary to say anything concerning them. A minister from thence has been gone some time to Congress, and if he has those propositions in charge they will best be considered there.

With great esteem, we have the honor to be, &c.,

B. FRANKLIN.

JOHN JAY,

HENRY LAURENS.

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\* MSS. Dep. of State; 5 Sparks' Dip. Rev. Corr., 525.



## Project for a Definitive Treaty of Peace.\*

PROJECT FOR THE DEFINITIVE TREATY OF PEACE AND FRIENDSHIP BETWEEN HIS BRITANNIC MAJESTY AND THE UNITED STATES OF AMERICA, CONCLUDED AT ———, THE ——— DAY OF ———, 1783.

JULY 27, 1783.

*Be it known to all those to whom it shall or may in any manner belong:*

It has pleased the Most High to diffuse the spirit of union and concord among the nations whose divisions had spread trouble in the four parts of the world, and to inspire them with the inclination to cause the comforts of peace to succeed to the misfortunes of a long and bloody war which, having arisen between Great Britain and the United States of America, in its progress communicated itself to France, Spain, and the United Netherlands.

Consequently, the United States of America did, on the fifteenth of June, in the year of our Lord one thousand seven hundred and eighty-one, name and appoint their ministers plenipotentiary, and resolve, ordain, and grant their commission, in the following words, viz: [See *supra* under date mentioned.]

And his majesty the King of Great Britain did, on the twenty-first day of September, in the twenty-second year of his reign, issue his commission, under the great seal of Great Britain, to Richard Oswald, in the words following, viz: [See *supra* under date mentioned.]

And his said Britannic majesty on the one part, and the said United States of America on the other, did lay the foundations of peace in the preliminaries signed at Paris on the thirtieth of November last, by the said Richard Oswald on the part of his said Majesty, and by the said John Adams, Benjamin Franklin, John Jay, and Henry Laurens on the part of the said United States, in virtue of their respective full powers aforesaid, and after having mutually shown to each other their said full powers, in good form, and mutually exchanged authenticated copies of the same.

And his said Britannic majesty did, on the twenty-fourth day of July, in the year of our Lord one thousand seven hundred and eighty-two, and in the twenty-second year of his reign, issue his commission, signed, with his royal hand, and under the great seal of Great Britain, to Alleyne Fitzherbert, in the following words, viz: [Here follows the commission.]

And the said Alleyne Fitzherbert on the part of his said Britannic majesty, and John Adams and Benjamin Franklin, in the necessary absence of the said John Jay and Henry Laurens, on the part of the said United States, did, at Versailles, on the twentieth day of January last, communicate to each other their full powers aforesaid, in good form, and agreed upon an armistice in the words following. [See *supra* under date mentioned.]

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\* 5 Sparks' Dip. Rev. Corr., 526.

under great obligations to them. Enclosed is a copy of their account. It was sent before, but probably miscarried.

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PARIS, *July 27, 1783.*

SIR: The definitive treaties between the late belligerent powers are none of them yet completed. Ours has gone on slowly, owing partly to the necessity Mr. Hartley, successor of Mr. Oswald, thinks himself under of sending every proposition, either his own or ours, to his court for their approbation, and their delay in answering, through negligence perhaps, since they have heard our ports are open, or through indecision, occasioned by ignorance of the subject, or through want of union among the ministers. We send you herewith copies of several papers that have passed between us. He has for some time assured us that he is in hourly expectation of answers, but they do not arrive. The British proclamation respecting the commerce appears to vex him a good deal. We enclose a copy. And we are of opinion that finally we shall find it best to drop all commercial articles in our definitive treaty, and leave everything of that kind to a future special treaty, to be made either in America or in Europe, as Congress shall think fit to order. Perhaps it may be best to give powers for that purpose to the minister that probably will be sent to London. The opinion here is, that it will be becoming in us to take the first step towards the mutual exchange of ministers, and we have been assured by the English minister who treats with us here that ours will be well received.

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With great esteem, we have the honor to be, &c.,

B. FRANKLIN.

JOHN JAY,

HENRY LAURENS.

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\* MSS. Dep. of State; 5 Sparks' Dip. Rev. Corr., 525.

## Project for a Definitive Treaty of Peace.\*

PROJECT FOR THE DEFINITIVE TREATY OF PEACE AND FRIENDSHIP BETWEEN HIS BRITANNIC MAJESTY AND THE UNITED STATES OF AMERICA, CONCLUDED AT ———, THE ——— DAY OF ———, 1783.

JULY 27, 1783.

*Be it known to all those to whom it shall or may in any manner belong:*

It has pleased the Most High to diffuse the spirit of union and concord among the nations whose divisions had spread trouble in the four parts of the world, and to inspire them with the inclination to cause the comforts of peace to succeed to the misfortunes of a long and bloody war which, having arisen between Great Britain and the United States of America, in its progress communicated itself to France, Spain, and the United Netherlands.

Consequently, the United States of America did, on the fifteenth of June, in the year of our Lord one thousand seven hundred and eighty-one, name and appoint their ministers plenipotentiary, and resolve, ordain, and grant their commission, in the following words, viz: [See *supra* under date mentioned.]

And his majesty the King of Great Britain did, on the twenty-first day of September, in the twenty-second year of his reign, issue his commission, under the great seal of Great Britain, to Richard Oswald, in the words following, viz: [See *supra* under date mentioned.]

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And his said Britannic majesty did, on the twenty-fourth day of July, in the year of our Lord one thousand seven hundred and eighty-two, and in the twenty-second year of his reign, issue his commission, signed, with his royal hand, and under the great seal of Great Britain, to Alleyne Fitzherbert, in the following words, viz: [Here follows the commission.]

And the said Alleyne Fitzherbert on the part of his said Britannic majesty, and John Adams and Benjamin Franklin, in the necessary absence of the said John Jay and Henry Laurens, on the part of the said United States, did, at Versailles, on the twentieth day of January last, communicate to each other their full powers aforesaid, in good form, and agreed upon an armistice in the words following. [See *supra* under date mentioned.]

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\* 5 Sparks' Dip. Rev. Corr., 526.

And his Britannic majesty did, on the — day of —, in the year of our Lord one thousand seven hundred and eighty-three, and in the twenty-third year of his reign, issue his commission, signed with his royal hand, and under the great seal of Great Britain, to David Hartley, in the following words, viz: [Here follows the commission.]

And now the said David Hartley, minister plenipotentiary of his said Britannic majesty, in behalf of his said majesty, on the one part, and John Adams, Benjamin Franklin, and John Jay, ministers plenipotentiary of the said United States of America, in behalf of the said States, on the other, having communicated to each other their afore-said full powers in good form, and mutually exchanged authenticated copies of the same, have by virtue thereof agreed, and do hereby agree and conclude, upon the articles, the tenor of which is as follows, viz:

Whereas reciprocal advantages and mutual conveniences are found by experience to form the only permanent foundation of peace and friendship between states, it is agreed to form the articles of this treaty on such principles of liberal equity and reciprocity as that partial advantages, those seeds of discord being excluded, such a beneficial and satisfactory intercourse between the two countries may be established as to promise and secure to both perpetual peace and harmony.

ARTICLE I. The same as article 1st of the preliminary treaty, but finishing at "every part thereof."

ARTICLE II. The same as article 2d of the preliminary treaty, but commencing with the remaining part of article 1st, "and that all disputes," &c., and ending with the words "and the Atlantic Ocean."

ARTICLE III. The same as article 3d of the preliminary treaty.

ARTICLE IV. It is agreed that creditors on either side shall meet with no lawful impediment to the recovery of the full value in sterling money of all *bona fide* debts heretofore contracted, excepting that the respective governments on both sides may, if they think proper, pass acts directing that, in consideration of the distresses and disabilities brought on by the war and by the interruption of commerce, no execution shall be issued on a judgment to be obtained in any such case until after the expiration of three years from the date of this definitive treaty; nor shall such judgments include any allowance for interest for the time that passed during the war and until the signing hereof.

ARTICLE V. And whereas doubts have arisen concerning the true construction of the 5th article of the provisional treaty and great difficulties are likely to arise in its execution, it is hereby agreed that the same shall be declared void, and omitted in this definitive treaty.

And instead thereof, it is agreed that as exact an account as may be shall be taken by commissioners to be appointed for that purpose on each part, of all seizures, confiscations, or destruction of property belonging to the adherents of the crown of Great Britain in America, (exclusive of prizes made at sea and debts mentioned in the preceding article), and an account of all seizures, confiscations, or destruction of

property belonging to the adherents of the United States residing either therein or in Canada; and the said property being duly appraised and valued, the accounts thereof shall be compared, and the balance shall be paid in money by the party which has suffered least within one year after such adjustment of the said accounts. And it is further agreed that all persons who have any interest in confiscated lands, either by debts or marriage settlements or otherwise, shall meet with no lawful impediment in the prosecution of their just rights.

ARTICLE VI. The same as article 6th of the preliminary treaty.

ARTICLE VII. There shall be a firm and perpetual peace between his Britannic majesty and the said States, and between the subjects of the one and the citizens of the other. And his Britannic majesty shall, with all convenient speed, and without causing any destruction, or carrying away any negroes, or other property of the American inhabitants, withdraw all his armies, garrisons, and fleets from the said United States, and from every port, place, and harbor within the same, leaving in all fortifications the American artillery that may be therein. And shall also order and cause all archives, records, deeds, and papers belonging to any of the said States, or their citizens, which in the course of the war may have fallen into the hands of his officers, to be forthwith restored and delivered to the proper States and persons to whom they belong. And all destruction of property, or carrying away of negroes, or other property belonging to the American inhabitants, contrary to the above stipulation, shall be duly estimated and compensated to the owners.

ARTICLE VIII. The navigation of the rivers Mississippi and St. Lawrence from their sources to the ocean shall forever remain free and open to the subjects of Great Britain and the citizens of the United States.

ARTICLE IX. The prisoners made respectively by the arms of his Britannic majesty and the United States, by land and by sea, not already set at liberty, shall be restored reciprocally and *bona fide* immediately after the ratification of the definitive treaty, without ransom, and on paying the debts they may have contracted during their captivity; and each party shall respectively reimburse the sums which shall have been advanced for the subsistence and maintenance of their prisoners by the sovereign of the country where they shall have been detained, according to the receipts and attested accounts and other authentic titles which shall be produced on each side to commissioners who shall be mutually appointed for the purpose of settling the same.

ARTICLE X. His Britannic majesty shall employ his good offices and interposition with the King or Emperor of Morocco or Fez, the Regencies of Algiers, Tunis, and Tripoli, or with any of them, and also with every other Prince, State, or Power of the coast of Barbary, in Africa, and the subjects of the said King, Emperor, States, and Powers, and each of them, in order to provide as fully and efficaciously as possible

for the benefit, conveniency, and safety of the said United States, and each of them, their subjects, people, and inhabitants, and their vessels and effects, against all violence, insult, attacks, or depredations, on the part of the said Provinces and States of Barbary or their subjects.

ARTICLE XI. If war should hereafter arise between Great Britain and the United States, which God forbid, the merchants of either country, then residing in the other, shall be allowed to remain nine months to collect their debts and settle their affairs, and may depart freely, carrying off all their effects, without molestation or hinderance. And all fishermen, all cultivators of the earth, and all artisans or manufacturers, unarmed and inhabiting unfortified towns, villages, or places, who labor for the common subsistence or benefit of mankind, and peaceably follow their respective employments, shall be allowed to continue the same, and shall not be molested by the armed force of the enemy in whose power, by the events of war, they may happen to fall; but if anything is necessary to be taken from them for the use of such armed force, the same shall be paid for at a reasonable price. All merchants or traders, with their unarmed vessels employed in commerce, exchanging the products of different places, and thereby rendering the necessaries, conveniences, and comforts of human life more easy to obtain and more general, shall be allowed to pass freely unmolested. And neither of the powers, parties to this treaty, shall grant or issue any commission to any private armed vessel empowering them to take or destroy such trading ships or interrupt such commerce.

ARTICLE XII. And in case either of the contracting parties shall happen to be engaged in war with any other nation, it is further agreed, in order to prevent all the difficulties and misunderstandings that usually arise respecting the merchandise heretofore called contraband, such as arms, ammunition, and military stores of all kinds, that no such articles carrying by the ships or subjects of one of the parties to the enemies of the other shall, on any account, be deemed contraband, so as to induce confiscation and a loss of property to individuals; nevertheless it shall be lawful to stop such ships and detain them for such length of time as the captors may think necessary to prevent the inconvenience or damage that might ensue from their proceeding on their voyage, paying, however, a reasonable compensation for the loss such arrest shall occasion to the proprietor. And it shall further be allowed to use in the service of the captors the whole or any part of the military stores so detained, paying to the owners the full value of the same, to be ascertained by the current price at the place of its destination.

ARTICLE XIII. The citizens and inhabitants of the said United States, or any of them, may take and hold real estates in Great Britain, Ireland, or in any other of his majesty's dominions, and dispose by testament, donation, or otherwise of their property, real or personal, in favor of such persons as to them shall seem fit; and their heirs, citizens of the United States, or any of them, residing in the British dominions

or elsewhere, may succeed them, *ab intestato*, without being obliged to obtain letters of naturalization.

The subjects of his Britannic majesty shall enjoy on their part, in all the dominions of the said United States, an entire and perfect reciprocity relative to the stipulations contained in the present article.

ARTICLE XIV. His majesty consents that the citizens of the United States may cut logwood as heretofore in the district allotted to his subjects by the treaty with Spain, on condition that they bring or send the said logwood to Great Britain or Ireland, and to no other part of Europe.

ARTICLE XV. All the lakes, rivers, and waters divided by the boundary line or lines between his Britannic majesty's territories and those of the United States, as well as the rivers mentioned in article —, shall be freely used and navigated by the subjects and citizens of his said majesty and of the said States in common over the whole extent or breadth of the said lakes, rivers, and waters. And all the carrying places, on which side soever situated of the said dividing waters, or between the said rivers and the waters or territories of either of the parties, may and shall be freely used by the traders of both, without any restraint, demand of duties, or tax, or any imposition whatsoever, except such as inhabitants of the country may be subject to.

ARTICLE XVI. That in all places belonging to the United States, or either of them, in the country adjoining to the water line of division, and which during the war were in his majesty's possession, all persons at present resident, or having possessions or occupations as merchants or otherwise, may remain in the peaceable enjoyment of all civil rights and in pursuit of their occupations, unless they shall within seven years from the date hereof receive notice from Congress or the State to which any such place may appertain to remove, and that upon any such notice of removal a term of two years shall be allowed for selling or withdrawing their effects and settling their affairs.

ARTICLE XVII. It is further agreed that his Britannic majesty's forces, not exceeding — in number, may continue in the posts now occupied by them, contiguous to the water line, until Congress shall give them notice to evacuate the said posts, and American garrisons shall arrive at said posts for the purpose of securing the lives, property, and peace of any persons settled in that country against the invasion or ravages of the neighboring Indian nations, who may be suspected of retaining resentments in consequence of the late war.

ARTICLE XVIII. It is further agreed that his Britannic majesty shall cause to be evacuated the ports of New York, Penobscot, and their dependencies, with all other posts and places in possession of his majesty's arms within the United States in three months after the signing of this treaty, or sooner, if possible, excepting those posts contiguous to the water line above mentioned, which are to be evacuated on notice as specified in Article XVII.

ARTICLE XIX. It is agreed that all vessels which shall have been taken by either party from the other, after the term of twelve days, within the channel or the North Seas, or after the term of one month anywhere to the northward of the latitude of the Canaries inclusively, or after the term of two months between the latitude of the Canaries and the equinoctial line, or after the term of five months in any other part of the world (all which said terms are to be computed from the third day of February last), shall be restored.

His said Britannic majesty and the said United States promise to observe, sincerely and *bona fide*, all the articles contained and settled in the present treaty, and they will not suffer the same to be infringed, directly or indirectly, by their respective subjects and citizens.

The solemn ratification of the present treaty, expedited in good and due form, shall be exchanged in the city of London or Philadelphia between the contracting parties in the space of — months, or sooner, if possible, to be computed from the day of the signature of the present treaty.

In witness whereof we, the underwritten, their ministers plenipotentiary, have signed with our hands, in their name and in virtue of our full powers, the present definitive treaty, and have caused the seal of our arms to be put thereto.

Done at —, the — day of —, 1783.

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J. Adams to Morris.\*

AMSTERDAM, July 28, 1783.

SIR: Upon inquiry of those who best know, I see no probability of success from any application to authority in this country, for reasons which I have explained to our minister of Foreign Affairs. Our only resource is in the public opinion and the favor of the nation.

I know of nothing which would operate so favorably upon the public as the arrival of a few vessels with cargoes of American produce, addressed to your bankers and appropriated to the payment of interest. The report of such an event would greatly augment our credit, by spreading the opinion of our ability and disposition to pay.

It would be presumption in me, at this distance, to undertake to advise you, who are upon the spot and much better informed. But I beg leave to suggest the question whether an application of Congress to the States would not succeed? Suppose Congress should represent to the States the necessity of an exertion, in order to obtain a loan at present, to enable you to satisfy the most urgent demands of the army, and other public creditors, until the States can agree upon some permanent establishment, and should recommend to each State to furnish a cargo of its

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\* MSS. Dep. of State; 4 Sparks' Dip. Rev. Corr., 83, with verbal changes; 8 J. Adams' Works, 119.



produce, in proportion to its rate upon the list. For example: South Carolina and Georgia, a quantity of rice or indigo; Virginia and Maryland, of tobacco; Pennsylvania, of wheat or flour; and the northern States, of fish or any other thing. Suppose these cargoes, which need not be expensive for the thirteen States, should be sent to Amsterdam, or anywhere else in Europe, the proceeds of sale to be remitted to Amsterdam to your bankers. The reputation of this, if well planned, adopted, and executed, would give a strong impulsion to your loan if adopted here.

I am but just arrived, and have not yet seen our bankers. Saturday and Sunday are generally spent at country seats. But before I leave this place I shall be able to inform you more precisely whether you may depend on anything from hence. No pains of mine shall be spared. The British stocks are so low that we may hope for something. If a minister is sent to London, you should give him a commission to borrow money. If he conducts the matter with secrecy and caution, he may probably obtain a considerable sum there. There are moneyed men in that country who wish us well. There are others who may easily be inspired with more faith in our funds than they can rationally have in their own. If, upon advising with proper persons, he should not judge it prudent to open a loan there, he might easily put things in a train for some individuals to purchase obligations in your loan in Amsterdam. So dismal are the prospects in England that many men are on the wing to fly, and some would be willing to transfer their property across the Atlantic.

I have the honor to be, &c.,

JOHN ADAMS.

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J. Adams to Livingston.\*

AMSTERDAM, *July 28, 1783.*

SIR: I find upon inquiry that there are in this Republic, at Amsterdam, Rotterdam, and Dort, near one hundred and thirty sugar-houses. The whole of the raw sugars produced in Surinam, Berbice, Essequibo, and Demarara are wrought in these houses; and, besides, raw sugars were purchased in Bordeaux and Nantes, after being imported from the French islands in French bottoms. Raw sugars were also purchased in London, which went under the general name of Barbadoes sugars, although they were the growth of all the English islands, and imported to London in British bottoms. I have learnt further, that great quantities of raw Brazil sugars were purchased in Lisbon, and that these were cheaper than any of the others. All these raw sugars were imported into Amsterdam, Rotterdam, and Dort, and there manufactured for

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\* MSS. Dep. of State; 4 Sparks' Dip. Rev. Corr., 80; 8 J. Adams' Works, 116.

exportation. We must endeavor to obtain a share in this trade, especially with Lisbon or the Western Islands.

Since it was certain that neither Portugal, France, nor England has been able to manufacture all their raw sugars, but each of them sold considerable quantities to the Dutch, I suppose that we may undoubtedly purchase such sugars in future in Lisbon, Bordeaux, Nantes, London, and perhaps Ireland, and carry them where we please, either home to America, or to Amsterdam, or to any part of Europe, and there sell them, and in this way promote our own carrying trade, as well as enable ourselves to make remittances. I cannot see why the English or French should be averse to their sugars going to America directly; and if they insist upon carrying them in their own ships, we may still have enough of them. The Dutch have the most pressing commercial motives to bring home their West India produce; yet they would really gain the most by opening a free communication with us, because they would the most suddenly make their colonies flourish by it.

Molasses and rum we shall have, probably, from all the islands, English, French, and Dutch, in our own bottoms, unless the three nations should agree together to keep the whole trade of their islands in their own ships, which is not likely.

I have made all the inquiries I could and have sown all the seeds I could in order to give a spur to our loan. Three thousand obligations have been sold, and the other two thousand are signed; but at this time there is a greater scarcity of money than ever was known. The scarcity is so great that the agio of the bank, which is commonly at four or five per cent., fell to one and a half. The directors at length shut up the bank, and it continues shut. The English omnium, which at first was sold for eight or ten per cent. profit, fell to one and a half. The scarcity of money will continue until the arrival of the Spanish flotilla at Cadiz. Seven-eighths of the treasures of that flotilla will come here and make money plenty. Then we may expect that my obligations will sell.

In the mean time, I have great pleasure in assuring you that there is not one foreign loan in this Republic which is in so good credit, or goes so quick as mine. The Empress of Russia opened a loan of five millions about the same time that I opened mine. She is far from having obtained three millions of it. Spain opened a loan with the house of Hope at the same time for two millions only, and you may depend upon it it is very far from being full. Not one-quarter part of the loan of France upon life-rents, advantageous as it is to the lender, is full. In short, there is not one power in Europe whose credit is so good here as ours. Russia and Spain, too, allow of facilities to undertakers and others in disposing of their obligations much more considerable than ours; yet all does not succeed. You will see persons and letters in America that will affirm that the Spanish loan is full, and that France and Spain can have what money they please here. Believe me, this is

all stockjobbing gasconade. I have made very particular inquiries, and find the foregoing account to be the truth. Of all the sons of men I believe the stockjobbers are the greatest liars. I know it has been given out that the Spanish loan which was opened at Hope's was full the first day. This I know has been affirmed in the hearing of Americans with a confidence peculiar, and with a design, I suppose, that it should be written or reported to Congress. But I am now assured that it is so far from being true, that it is not near full to this hour. Let me beg of you, sir, to give Mr. Morris an extract of this, because I am so pressed for time that I cannot write to him.

Upon further inquiry concerning sugars, I find that the Dutch were used to purchase annually considerable quantities of the raw sugars of Spain as well as of France, England, and Portugal. Some of these they obtained by a clandestine trade between Curaçoa and Havana and St. Domingo; but the greater part were purchased at Cadiz.

I suppose our merchants and masters of vessels will be as adroit at inventing and executing projects of illicit trade as others. But this is a resource that Congress and the States cannot depend on nor take into their calculations. Illicit trade will ever bear but a small proportion to that which is permitted. And our governments should take their measures for obtaining by legal and honorable means from Spain, Portugal, France, England, Holland, and Denmark all the productions which our people may want for consumption, for manufacture, and for exportation.

I have the honor to be, &c., •

JOHN ADAMS.

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Gorsdon, Saxon Minister in Spain, to Carmichael.\*

[Translation.]

MADRID, *July 28, 1783.*

SIR: I have just received instructions which contain the result of what has been for a long time the subject of our conversations. The trading interest of Saxony has seized with avidity the overtures and details which after our interviews I placed under the eyes of the ministry. Persuaded that the goodness and cheapness of our commodities will give them an advantage in such an enterprise, they have adopted the plan which you have indicated, of sending to America a person who shall look after their interests, and obtain the knowledge indispensable for their direction. Their choice has fallen upon a merchant of Bordeaux, a native of Leipzig, whose name is Philip Thieriot, known as a man of probity, intelligence, and good conduct, who is now in Saxony, but will soon establish himself in Philadelphia, to transact business in the character of a merchant, both on his own account and that of others.

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\* 5 Sparks' Dip. Rev. Corr., 131.

The elector has assented to this choice, and permits that for the present M. Thieriot shall hold in America the functions of commissary-general of the commerce of Saxony, with the view of founding mercantile relations between the two countries, and that he may receive the commissions of Saxon merchants, direct their enterprises, and guard and support their interests, both in relation to Congress and other respects, till circumstances shall make it proper for him to be supplied with more particular directions. For this purpose the oath has been administered to him, and he has been furnished with suitable instructions, and the power of making appointments. He sets off immediately for France, where he has certain affairs to arrange, and he will then be ready to embark from Bordeaux in the month of August.

As the time is too short for him to pass by the way of Madrid, and receive the benefits of the personal counsels with which I flatter myself you would be disposed to favor him, I shall be under great obligations to you if you will fulfil the promises which you have had the goodness to make, and give to this gentleman letters of recommendation both for the Congress of the United States and other persons of consideration, which may procure for him the protection of the one, and the confidence and assistance of the others.

As, on the one hand, I flatter myself, from the account I have had of the talents and good character of M. Thieriot, that he will do honor to your recommendation, so I am satisfied, on the other, that it will contribute more than anything else to render his residence useful and agreeable, to facilitate the success of his mission, and strengthen the bonds of unity between the two nations, of which the merit belongs to you of having greatly contributed to lay the foundation.

I have the honor to be, &c.,

GOESDORFF.

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Morris to the Governors of the States.\*

OFFICE OF FINANCE, *July 28, 1783.*

SIR: Having already transmitted the public accounts from the commencement of my administration to the first day of this month, I shall not trouble your excellency with a repetition of them. But I must pray your indulgence while I make a few observations. Perhaps this letter may contain too much of egotism, but your candor will excuse me when the motive is known. If I have rendered any services to the United States, they have been derived from the generous confidence of my countrymen. This confidence must not be abused, and if it be lost my utility is at an end.

The accounts will show to any informed and reflecting mind that the public moneys were economically applied, and if farther proof were

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\* 6 Sparks' Dip. Rev. Corr., 630.

necessary I could appeal to the honorable delegates in Congress, who have every opportunity of investigation. I might also appeal to the clamors against me for opposing claims I could not properly comply with. Long have I been the object of enmities derived from that origin. I have, therefore, the right to consider such clamors and such enmities as the confession and the evidence of my care and attention.

But, sir, from the same accounts it will appear that on the 30th day of June last, my payments had exceeded the amount of my receipts by more than a million of dollars. How, indeed, could it be otherwise, when all the taxes brought into the treasury since 1781 did not amount to seven hundred and fifty thousand dollars? I have been impelled to this heavy anticipation by an earnest desire to relieve our army, by the General's warm representations on the subject, and above all by the directions of Congress and their assurance of support. The enclosed letter to them will show my desire to reduce our expenses. But while I urge the reduction of expense, it is equally my duty to urge an increase of revenue. If I have been a faithful steward of what was entrusted to me, if more became necessary than I ever received, and if urged by that necessity I have anticipated the receipts, surely I am in the strictest line of propriety when I loudly call for relief. Every one must know that the paper I have circulated will lose its value unless punctually redeemed. The several receivers are, indeed, instructed to exchange it; but what can that instruction avail, if specie be not placed in their hands for the purpose? And how can that be effected but by a vigorous collection of taxes?

I know that my solicitude on this subject will be charged to improper motives. When I urge a reduction of expense, it will be said that I wish to impair the strength and lessen the respectability of our country. Far other wishes swell my bosom. But I have been driven into a conviction that the necessity of strength and the advantage of reputation are not yet sufficiently felt and understood by all the members of our federal Union.

My present call for taxes has also been anticipated by a slanderous report that I have speculated on this very paper which I urge the redemption of. Most solemnly I declare that I have never been concerned, directly or indirectly, in any such speculation. If there be a man in the world who knows any instance to disprove what I say let him step forth with the accusation. No, sir, the object is in nowise a personal one to me; I only advocate the interest and reputation of America. If, with a view to injure me, the attempt is made to violate my engagements, the malice will be defeated; but at the same time, let it be remembered that the country which will not support faithful servants can never be faithfully served. Guilt and desperation will ever pant for scenes of tumult and disorder, office will ever excite envy, and malevolence delight in slanderous tales. Is it, then, to be wondered at if my foes are numerous? Believe me, sir, if their attempts had only

affected me and mine, they should have been received in the same silence which has buried many other wrongs. But on the present occasion it becomes my duty to delineate their baneful influence.

Pains are taken to cover with infamy all those who discount the public paper. The natural effect of this measure is to prevent those men from meddling with it who, from a regard of their own reputation, would do the business on moderate terms. Hence it follows, that the holders cannot obtain so much for their paper as they otherwise might. Hence again an additional clamor, and of course an additional loss to the possessors. On the basis of the depreciation is founded an argument to prevent the redemption. By these means the public credit is totally ruined, and the government becomes chargeable with flagrant injustice. No future anticipations can be made to supply the most urgent wants; and in the whole proceeding they are made the victims who confided in the faith of government. The attempt, therefore, by this slander to injure me is an injury to those who have received my paper; and in every instance where they have joined in propagating the report, they have joined their enemies to plunder themselves.

Let me no longer intrude on your excellency's patience than to declare my conviction that the States might easily fulfil far more extensive engagements than those which I have made on their account. Notwithstanding every insinuation, I will continue my efforts for the purpose, and though base minds should reiterate their charges, I will persist in my duty, and defy their malice.

With perfect respect, I have the honor to be, &c.,

ROBERT MORRIS.

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Morris to the President of Congress.\*

OFFICE OF FINANCE, *July 28, 1783.*

SIR: Conceiving it to be almost certain that a definitive treaty of peace is concluded, I am bound to request the attention of Congress towards reducing the expenses. It is unnecessary to repeat that our resources for absorbing the anticipations depend on the produce of taxation. There is no hope of fulfilling the public engagements but by a strict economy, for there is no evidence of that energy among the States which the act of Congress of the 2d of May was framed to inspire. Let me, therefore, repeat my request, *that the public expenses be greatly reduced.* The number of men which it may be necessary to keep in the field I can not presume to name, as it is a military question; but it would best consist with the present state of my department to disband the whole.

Your excellency will easily conceive the situation to which I am driven when I am compelled to withhold assent to a moderate demand

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\* MSS. Dep. of State; 6 Sparks' Dip. Rev. Corr., 629.

of the Secretary at War for building magazines to preserve the public stores. It is certainly of importance that arsenals should be erected in such proper places as to provide for the public defence, but reasons against advancing money are incontrovertible. Congress knew the extent of my engagements, for the discharging of which they have solemnly pledged themselves. Congress knew also that the States do not furnish means. They will perceive, therefore, that I should wantonly sacrifice their honor and dignity should I form new engagements before the old are satisfied.

I know, sir, that many of the stores may be wasted and destroyed for the want of magazines, and that if they are sold it will be to a considerable loss. But much loss must be added to the mass of injuries America has already sustained by not complying with the requisitions of Congress. It is a loss which, in its consequences, must fall upon the States themselves, who are the immediate authors of it; but if the engagements already taken are violated by applying money to other purposes, then the honor of Congress will be sacrificed, together with the property of those who relied on it.

I should not, sir, have dwelt so long on this small circumstance if it did not serve to impress the true object of my letter—a *reduction of national expense*. And here let me notice, what has often been mentioned, the expense of the civil list. If in this general term of civil list are comprehended the public servants abroad, I freely acknowledge my opinion that it might be curtailed. But the foreign affairs not being within my line, this sentiment is expressed with all possible deference.

Our domestic civil list consists of two parts: First, that which is engaged in settling and adjusting old accounts; and, secondly, that which is employed in present objects. The first is rendered necessary by the confusions which arose before regular systems were established; but it is of a temporary nature, and can never again take place, unless our affairs are suffered to relapse into that irregularity from which they are beginning to emerge. The second, I believe, consists of as few as were ever appointed to perform the business of a nation. For what relates to the expense of both, I must observe that those who labor for the public are at least to be subsisted; and the proof that their salaries do not amount to more than a decent subsistence is the difficulty with which men qualified to fill the several offices can be prevailed on to accept them. Shortly after my appointment a special order was passed to defray the expenses of the civil list; but should Congress think proper to repeal that order, I will suspend the payment, and apply the money to take up my notes. But whether the gentlemen of the civil list will continue their services after they know that their salaries are to be withheld is a question which I shall not agitate.

I have the honor to be, &c.,

ROBERT MORRIS.

## The Pope's Nuncio to Franklin.\*

[Lettre du Nonce Apostolique, résidant à Paris, au D. Franklin.]

LE 28 JUILLET 1783.

M. le Nonce Apostolique a l'honneur d'envoyer à Mr. Franklin la note ci-jointe. Il le prie de vouloir bien la faire passer au Congrès des États-Unis de l'Amérique Septentrionale, et l'appuyer de son crédit.

## NOTE.

Avant la révolution, qui vient d'être consommée en Amérique, les Catholiques et les missionnaires de ces provinces dépendaient dans le spirituel du Vicaire Apostolique résidant à Londres. On sent bien que cet arrangement ne peut plus avoir lieu, mais comme il est essentiel que les Catholiques sujets des États-Unis ayant un ecclésiastique qui les gouverne en ce qui concerne leur religion, la *Congrégation de Propaganda Fide*, existante à Rome pour l'établissement et la conservation des missions, est venue dans la détermination de proposer au Congrès d'établir dans quelque ville Septentrionale des États-Unis un de leurs sujets catholiques avec les pouvoirs de Vicaire Apostolique et avec le caractère d'évêque, ou simplement en qualité de Préfet Apostolique. L'établissement d'un évêque Vicaire Apostolique paroit le plus convenable, d'autant plus que les sujets catholiques des États-Unis se trouveroient à portée de recevoir la confirmation et les ordres dans leur propre pays, sans être obligés de se rendre à cet effet dans les pays d'une domination étrangère. Et comme il pourroit arriver quelquefois, que parmi les sujets des États-Unis, il n'y eût personne en état d'être chargé du gouvernement spirituel, soit comme évêque, soit comme Préfet Apostolique, il seroit nécessaire dans une telle circonstance, que le Congrès voulut bien consentir à ce qu'on le choisit parmi les sujets d'une nation étrangère la plus amie des États-Unis.†

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\*MSS. Dep. of State.

†The following translation of the above appears in 2 Sparks' *Diplomatic Revolutionary Correspondence*, 478.

"The Apostolical Nuncio has the honor to send Mr. Franklin the enclosed note, which he requests he will be pleased to forward to the Congress of the United States of North America, and support it with his credit.

JULY 28, 1783.

## NOTE.

"Before the revolution, which has just been completed in North America, the Catholics and missionaries of those provinces depended, as to their spiritual concerns, on the apostolical vicar resident in London. It is well known that this arrangement can no longer exist; but as it is essential that the Catholic subjects of the United States should have an ecclesiastic to govern them in their religious concerns, the *Congregation de Propaganda Fide*, existing at Rome for the establishment and conservation of missions, has come to the determination of proposing to Congress to establish, in some city of the United States of North America, one of their Catholic subjects with the powers of Apostolical Vicar and in the character of Bishop, or simply in quality of Apostolical Prefect.

"The establishment of an Apostolical Vicar Bishop appears the most eligible, the



\* Carmichael to Livingston.

No. 28.

MADRID, July 29, 1783.

SIR: In former letters I have had the honor to mention to you the conversations which have passed between the Saxon minister at this court and myself on the subject of forming commercial and amicable connexions between the United States and the Elector. As I had no

more so as the Catholic subjects of the United States would find themselves in a situation to receive confirmation and orders in their own country, without being obliged to go for that purpose to the country of a foreign power. And as it might sometimes happen that among the subjects of the United States there might be no person in a situation to be charged with the spiritual government, either as Bishop or Apostolical Prefect, it would be necessary, in such circumstances, [that Congress should consent to choose him from among the subjects of a foreign nation the most friendly with the United States.]

Mr. Trescot has favored me with a letter, written to him on January 15, 1858, by Bishop Lynch, pointing out a serious error in the bracketed clause of the above translation. Bishop Lynch thus writes:

"The first phrase 'proposer au Congrès, d'établir,' &c., does not of itself say whose duty it is to 'establish' the Vicar Apostolic, except that in the previous portion of the sentence the *Congregation de Propaganda Fide* is stated to exist at Rome for that purpose.

"The other phrase, 'que le Congrès voulut bien consentir à ce qu'on le choisit,' &c., is very inaccurately rendered by Sparks 'that Congress should consent to choose him' instead of 'should consent that he be chosen,' &c. The original implying, what the Church laws and usages require, that he be chosen not by Congress, but by another tribunal

"Rome did not intend to propose a scheme by which Congress would by the act of choice recognize and strengthen the position of the Vicar Apostolic as an official of the national government, but with delicacy and tact wished to provide for the altered condition of the Catholics here, and to do it in a way respectful to the government, and calculated to do away with any misunderstanding or any apprehension of foreign interference.

A similar note was sent to President (Secretary!) Madison through Archbishop Carroll, immediately after the purchase of Louisiana, on the appointment of a new Bishop for that see. It was felt to be of importance that the Bishop so appointed would be a person acceptable to the government. The government responded officially that they had nothing to do in the matter. At the same time a private note was sent in reply, expressing a due appreciation of the delicacy and prudence of the course pursued, and the high opinion they entertained of the American sentiments of the person then in view, who was in fact appointed—Rt. Rev. Dr. Dubourg.

"I understand this correspondence is preserved in the Archiepiscopal archives of Baltimore, from which I have procured the copy of the Nuncio's note to Dr. Franklin."

This copy is almost identical with the French text given above.

Congress took no action on the Nuncio's note. But on December 15, 1783 (see *infra*, under that date) Franklin wrote to Vergennes that it gave him "some uneasiness" that the Bishop superintending the Roman Catholic clergy in the United States should reside in London, and "supposed to be under obligations to that court," etc.; and suggesting that "one be appointed to that office who is of this nation, and who may reside here among our friends."

\* MSS. Dep. of State; 5 Sparks' Dip. Rev. Corr., 132, with verbal changes.

instructions or authority from Congress, I could only avail myself of general expressions of the desire of my constituents to cultivate the friendship of the different powers of Europe, and of extending their commerce to all. I declined, when pressed, to give my sentiments in writing, unless the Saxon minister would give me, by permission of his court, such extracts of his official letters as might enable me immediately to notify to Congress, in a proper manner, the amicable disposition of his master; assuring him, however, that I should not fail of communicating to that body the substance of our general conversations, which I was persuaded would receive with great satisfaction an account of the Elector's friendly intentions. The gentleman being rather indiscreet in his conduct, I was perhaps more upon my guard with him than I should have been with a person of a different character. On his pressing me, however, to give him my sentiments on the best means to forward an intercourse between the two countries, I replied verbally that in my opinion the speediest and most effectual method would be to send from Saxony to America a person well acquainted with the commerce of his own country and properly authorised, who, being able to judge on the spot what advantages were to be derived from such intercourse, might immediately treat with Congress if the Elector thought proper.

After some hesitation he agreed to my proposition, and advised his court thereof. Yesterday he addressed me a letter, of which I have now the honor to enclose you a copy, No. 1, together with an extract of his official despatches, No. 2. A visit which he paid me a few hours after he sent me the above papers rendered a written answer unnecessary. I expressed to him the high sense which Congress would have of this proof of the Elector's good will, and added, that I should take the earliest opportunity of communicating it. I promised him also the letters he requested for M. Thierot. I hope my conduct will have the approbation of Congress.

Nothing material has transpired since my last, of the 25th instant, except that I am persuaded that the convention between France, Spain, and Portugal was signed here between the 15th and 17th of this month. I am told that it has for its basis a treaty concluded between the two latter nations in 1778, with supplementary secret articles. The northern powers, particularly Russia, appear jealous of the objects of this treaty. Great Britain seems to have had no knowledge of it.

I have the honor to be, &c.,

WILLIAM CARMICHAEL.

\* Dana to J. Adams.

ST. PETERSBURGH, *July 29, 1783.*

MY DEAR SIR: 'Tis done. The bolt of your Vulcan has hit its aim. The idea you mentioned to me some time since, relative to the use of the credit I had asked for, and which in reply I told you was not new to me, that the same had been repeatedly thrown out here by persons whom to suspect of sinister or interested views would be deemed by some a most damnable political heresy, has crossed the Atlantic and gotten possession of Congress. I am told they will *buy* a treaty at this day. But pray mark what I have said in my letter to you of the 21st of last May relative to this subject, particularly in the last paragraph of it, beginning thus: "Besides, I should not be surprised."<sup>†</sup> You may turn also to my letter of the 26th of the same month. But contemptible beyond all contempt (pardon the expression) is the construction upon my instructions. Would it not put a pettifogger out of countenance to be detected in such a miserable thing? Pray, my friend, are you sufficiently versed in the diplomatic science to develop the whole meaning of the term "*communicate*," and of the double &c.‡ These, Lord Coke observes, are very pregnant oftentimes. And that gentleman has read Lord Coke, and must, therefore, be an excellent commentator. But, lest he should not have read the text through when he made his comment, I have laid it out at its full length before him. He may now comment upon it at leisure. I have thought it too plain to need any of mine. Do not imagine, my friend, that I am angry, shall I say, at this Dutch commentator. No. I have other feelings respecting him and our much-abused country. I recollect the cause of the instruction we received relative to the fishery at our departure. I recollect the fatal revocation of your power to conclude a commercial treaty with Great Britain. I call it fatal, because, if I am not deceived, we have lost forever the most important advantages of a free commerce with the British West Indies by that measure. We might have obtained everything at the conclusion of our preliminary treaty if our commissioners had had that power. This is evident from the bill of Mr. Pitt, the chancellor of the exchequer. This last stroke, I think, tops the system. A more favorable moment for negotiating a commercial treaty here will in all probability never happen. The present views of Great Britain give us many advantages to draw forth convenient concessions. Can Russia see with indifference Great Britain holding out special favors for the encouragement of our naval stores? But I need not enter into particulars with you on these subjects, who have surveyed them on all sides. I send you enclosed my letter to Mr. Livingston.

I have several times acquainted Congress of my wish and intention to return to America as soon as I had concluded a commercial treaty

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\* 8 J. Adams' Works, 120.

† See Dana to J. Adams, June 1, 1783, *supra*.

with her Imperial majesty. In consequence of this, they have, by resolution, approved of my returning, "provided I should not be engaged in a negotiation with this court at the time of receiving the resolution, in which case it is the desire of Congress that I should finish such negotiation before I return." I am not engaged in any, as I have not yet had my audience; and to *communicate*, but not to *sign*, is beyond my comprehension, and I believe would surpass theirs also!\* If I should break through this cob web, I should find myself stopped short by the other matter, which is essential. What is to be done in such circumstances? I answer, the wisest part, it appears to me, is to get out of them as soon as possible. But for this last difficulty, I would demand my audience as soon as the definitive treaty is concluded, enter immediately upon the negotiation of a treaty of commerce, and, *maugre* all comments, sign—ah, and seal, too—"the form and terms of a treaty" I should agree upon with her majesty's ministers. As it is, I say to myself, begone. I will begone. And God grant I may soon have the pleasure of meeting you in our country and all friends well.

Yours, &c.,

FRANCIS DANA.

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J. Adams to Livingston.†

THE HAGUE, July 30, 1783.

SIR: I have been the more particular in my letters to you concerning the extensive manufacture and commerce of refined sugars in this country, because the proximity of all the sugar colonies to us renders a share in it naturally useful and convenient, both to us and them. Fifty thousand hogsheads of raw sugar are annually wrought in this Republic and exported at a great profit to Germany, Denmark, Sweden, Russia, Poland, and Italy. At Amsterdam I visited a number of respectable merchants, in order to discover their sentiments concerning the communication between us and their islands and sugar colonies. They all agree that St. Eustatia and Curaçoa are and will be commercial islands, open and free to all our vessels. St. Martin's is divided between the French and Danes and the Dutch, whose share of it does not flourish. The colonies upon the continent, Surinam, Berbice, Demarara, and Essequibo, are at a greater distance from us; but they will be open to our vessels and their cargoes, because they all agree that those colonies can not subsist without our horses, lumber, and provisions, nor without the sale to us of their molasses. We shall be allowed to take in return molasses, with which some quantities of sugar, coffee, and other produce are always smuggled, as they say. But although nothing has been as yet determined, it is the general opinion that the produce

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\* See Livingston's despatch to Dana, May 1, 1773.

† MSS. Dep. of State; 4 Sparks' Dip. Rev. Corr., 84, with verbal changes.

of the colonies must be brought home in Dutch ships, as heretofore, molasses excepted.

From the secretary of the West India Company I have obtained a few minutes, in so bad French that I almost despair of rendering them intelligible. I have attempted it, however, in the following translation, viz:

“In the grant of the West India Company, renewed, or more properly newly erected, in the year 1700, continued in 1730, prolonged afterwards in the year 1760 for two years, and in the year 1762, from the first of January to the thirty-first of December, 1791, are found the limits fixed, only for the inhabitants of these Seven United Provinces, under the name of the United Company of these Provinces, upon the coasts and country of Africa, computing from the tropic of Cancer to the southern latitude of the equinoctial line, with all the islands in this district situated upon the said coast, and particularly the islands of St. Thomas, Annobon, islands of Principia and Fernando Po, as also the places of Essequibo and Baumenora, situated upon the continental coasts of America, as also the islands of Curaçoa, Amaba, and Buen Aire; all the other limits of the ancient grant being open for the commerce of all the inhabitants of the Republic, without exception, upon condition, however, that if the company, oriental and occidental, should judge proper to navigate to the islands situated between the coasts of Africa and America, beginning at the Ascension, and further south, or any of them, and should occupy it before any other should have a private grant, with exclusion of all others for so long time as it shall occupy its places; and in case they should desist these places should return under the second class, open for the navigation of every individual of the Republic, paying an acknowledgment, &c. That the said particulars, trading in the said districts, shall be obliged to acknowledge the Western Company, and to pay them for the right of convoy, and consequently in form of acknowledgment, viz: for the productions and merchandizes for the West Indies two per cent. and returning from thence into these Provinces two per cent. more for the commodities in return. And further, the ships navigating to places farther distant in America, contained in the ancient grant, both in going and returning, should pay five florins per last, or more or less, according as their high mightinesses shall judge proper to determine hereafter; observing, nevertheless, that these five florins per last shall not be demanded of ships navigating to the Carribee Islands, which shall pay the ordinary duty for convoy to the colleges of the admiralty from which they sail, and the said private navigators shall be held, moreover, for the satisfaction of the Western Company, to give sufficient caution that they will not navigate, nor cause to be navigated, the places contained in the first class ceded to the company, with exclusion of all others. . And if any one is found to act contrary, and to navigate to any place situated in the prescribed limits, and granted to the company,

his ship and cargo shall be confiscated and attacked in force by the ships belonging to the said company; and if such ships and merchandizes or commodities shall be sold or entered into any other country or foreign port, the owner and his accomplice shall be liable to execution for the value of the said ships and merchandizes or commodities.

"The company has also the right to require an acknowledgment of all those who shall navigate, import, or export any merchandize to or from places belonging to the said company, notwithstanding they may be subject, and may belong to the domination of other kings or princes, situated within the limits stipulated in the grant; and especially of every foreign vessel bringing any commodities or merchandizes from the West Indies or the limits stipulated in the grants into the Provinces, whether upon its own account, or freight, or on commission, whether such foreign vessel shall come directly from the West Indies and the limits of the grant into the Provinces, or whether she shall have carried her cargo to other countries or kingdoms, for what reason soever this may be done; excepting only in case the merchandizes of the proprietor should, by negotiation, be changed in nature, and that the duty of this country fixed to the place should be paid, which any one alleging shall be obliged to prove sufficiently, according to the amount of the merchandizes; declaring, moreover, for the further elucidation of the said grant, that under the name of the New Low Countries, in consequence of the three per cent., which the company has a right to require for the merchandizes sent there or brought from thence, is understood that part of North America which extends itself west and south of the northern part of Newfoundland as far as the Cape of Florida, and for what regards the payment of the two per cent. under the name of the West Indies, to be computed from the Cape of Florida to the river Oronoco, and the Islands of Curaçoa. For what concerns the other places of America, contained in the most ancient and precedent grant, in regard to the five florins per last upon the vessels there navigating, shall be understood all the Carribee Islands, Cuba, Jamaica, Hispaniola, and Porto Rico, as also all the other coast and countries, computing from the river Oronoco aforesaid, by the Straits of Magellan, Le Maire, or other passages or straits, situated under these, as far as the Strait of Aryan, both upon the sea of the North and the islands situated upon the other side, and between them, as also the southern countries, situated between the two meridians, touching at the east the Cape of Good Hope and in the west the eastern part of New Guinea, inclusively."

If this paper is not very clear to Congress, it is not more so to me, and perhaps to the Dutch themselves. There is a dispute likely to arise between the West India Company and the college of the admiralty about it, which will be explained further as it proceeds, by whatever minister you may send here.

Upon the whole matter of our communication with the European

establishments in the West Indies, we shall carry freely our commodities to the French and Dutch, excepting, perhaps, flour to the French, which, however, will be carried, I suppose, to St. Lucia and Port Royal, as well as St. Eustatia and Curaçoa, St. Thomas', and St. Martin's, and there sold to any nation that will purchase it. Molasses and rum we shall bring away freely from the French and Dutch. And if we can obtain of them the liberty of carrying sugars, coffee, &c., from their possessions in the West Indies to their ports in Europe, giving bonds, with surety, to land them in such ports, it will be as much as we can expect. If they will allow raw sugars, coffee, cotton, &c., to be sent freely to the United States in their own vessels, this would be an advantage to us, though not so considerable as to bring them in ours. What the English will do is uncertain. We are not to take the late proclamation for a law of the Medes. The ministry who made it are not firm in their seats. If Shelbourne comes in we shall do better; and, to be prepared to take advantage of so probable an event, you should have a minister ready. We have one infallible resource, if we can unite in laying a duty or a prohibition. But this measure must not be hastily taken, because by negociation I apprehend the point may be carried in England. To this end it may be proper to instruct your minister, and authorise him to say that the States will find themselves obliged, against their inclination, to lay a prohibition or heavy duty upon all West India goods imported, and all American productions exported in British bottoms, if the trade is not regulated by treaty upon an equitable footing.

I have the honor to be, &c.,

JOHN ADAMS.

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J. Adams to Livingston.\*

THE HAGUE, *July 31, 1783.*

SIR: The last evening at court, in the House in the Grove, where all the foreign ministers supped, the Comte Montagnini de Mirabel, the minister plenipotentiary from the King of Sardinia, took an opportunity to enter largely into conversation with me. As he and I were at a party of politics, while the greatest part of the company were at cards, for two or three hours, we ran over all the world, but nothing occurred worth repeating except what follows:

The Comte said that his advice to Congress would be to write a circular letter to every power in Europe as soon as the definitive treaty should be signed, and transmit with it a printed copy of the treaty. In the letter Congress should announce that on the 4th of July, 1776, the United States had declared themselves a sovereign state, under the style and title of the United States of America; that France, on the

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\*MSS. Dep. of State; 4 Sparks' Dip. Rev. Corr., 88; with verbal changes; 8 J. Adams' Works, 122.

6th of February, 1778, had acknowledged them; that the States-General had done the same on the 19th of April, 1782; that Great Britain, on the 30th of November, 1782, had signed with them a treaty of peace, in which she had fully acknowledged their sovereignty; that Sweden had entered into a treaty with them on the 5th of February, 1783, and that Great Britain had concluded the definitive treaty under the mediation of the two empires, if that should be the fact, &c. Such a notification to all the other powers would be a regular procedure, a piece of politeness which would be very well received, and the letter would be respectfully answered by every power in the world, and these written answers would be explicit and undeniable acknowledgments of our sovereignty.

It might have been proper to make this communication in form, immediately after the declaration of independence; it might have been more proper to do it after the signature of the provisional treaty but that it was expected it would be done after the definitive treaty. That these circular letters might be transmitted to your ministers for peace, or such of them as may remain, or to any of your ministers in Europe, to be by them delivered to the ministers at the court where they are, or transmitted any other way. That Congress must be very exact in the etiquette of titles, as this was indispensable, and the letters could not be answered nor received without it. That we might have these titles at the Comte de Vergennes' office with precision, &c.

The Comte then proceeded to commerce, and said that all the cabinets of Europe had lately turned their views to commerce, so that we should be attended to and respected by all of them. He thought we should find our account in a large trade in Italy, every part of which had a constant demand for our tobacco and salt fish, at least. The dominions of the king, his master, could furnish us in exchange oranges, citrons, olives, oil, raisins, figs, anchovies, coral, lead, sulphur, alum, salt, marble of the finest quality and gayest colors, manufactures of silks, especially silk stockings, twenty per cent. cheaper than France, hemp, and cordage. He said we might have great advantages in Italy in another respect. We had it in our power to become the principal carriers for the people of Italy, who have little skill or inclination for navigation or commerce. The (*cabotage*) carrying trade of Italy has been carried on by the English, French, and Dutch; the English had now lost it, the French had some of it, but the Dutch the most, who made an immense profit of it; for to his knowledge they sold in the Baltic, and even in Holland, many Italian productions at a profit of five or six for one. That we should have the advantage of them all. By bringing our tobacco and fish to Italy we might unload at some of their ports, take in cargoes upon freight for other ports of Italy, and thus make coasting voyages, until we had made up our cargoes for return, or we might take in cargoes on freight for Germany on the Baltic.

The Dutch, he said, would be the greatest losers by this rivalry, but,



as long as the Italians and Americans would be honestly gainers, neither need be anxious for that. That there was a very good port in his master's dominions, which was perfectly free, where we might go in and out at pleasure, without being subject to duties, searches, or visits.

We then made a transition to Turkey; the Comte could not, for his part, blame the Emperor for wishing to open the navigation of the Danube; his kingdom of Hungary was one of the finest countries in the world; it was one of the most fertile, producing in great abundance wines of various sorts, all excellent, though Tokay was the best; grains of every sort in great quantities; metals of all sorts, gold, silver, copper, iron, quicksilver; yet all these blessings of nature were rendered in a manner useless by the slavery of the Danube. The Emperor was very unfortunate in having the Danube enslaved on one side and the Scheldt on the other; and in this age, when the liberty of navigation and commerce was the universal cry, he did not wonder at his impatience under it. He did not think that England would meddle in the dispute, as her trade to the Levant had declined. The Dutch had some still, but France had now the greatest part of it to Smyrna, Alexandria, Aleppo, in short to all the trading towns of Turkey in Asia, for this is what is understood by the Levant trade. France, he thought, could not venture to engage in the war in earnest, in the present state of her finances.

I have learnt, since I came here, that France is desirous that this Republic should declare herself concerning this Turkish war. But she will avoid it. Unhappily, France has lost much of her influence here. Her friends fear that the odium of losing Negapatnam will fall upon them among the people. The English and the Stadtholderians are endeavoring to detach the Republic entirely from France and to revive the ancient connexions, particularly the ancient alliance, offensive and defensive, in the treaty of 1674. A Mr. Shirley, at Paris, has lately proposed to M. Boers and M. Van der Pere, two agents of the Dutch East India Company who have been a year or two at Paris and are reputed to be in the Stadtholder's interest, that England had the best dispositions towards the Republic and would give them ample satisfaction if they would treat distinctly from France and renew the ancient cordial friendship, and proposed an interview with the Dutch ambassadors upon this subject. The agents proposed it, but Brantzen refused, to the great satisfaction of the principal republicans. Yet M. Berenger tells me that some of the republican members begin to be afraid and think they shall be obliged to fall in with the English.

Upon conversing with many people in government and out of it in Amsterdam as well as the Hague, they all complain to me of the conduct of France. They all confess that the Republic has not done so much in the war as she ought, but this is the fault of the friends of England, they say, not those of France, and the worst evils of all that befall the latter are the reproaches of the former, who now say insult-

ingly, "This comes of confiding in France; we always told you that you would be cheated," etc. France ought, they say, to have considered this and not have imputed to the Republic the faults of her enemies, because the punishment falls wholly on her friends.

I mention these things to you, because, although we are not immediately interested in them, they may have consequences which may affect us, and, therefore, you ought to know them. I think, however, upon the whole, the Republic will stand firm and refuse to receive the alliance, though they sacrifice Negapatnam. France wishes to win the Republic into an alliance, but feels an awkwardness about proposing it, and, indeed, I doubt whether she would now succeed; she might have succeeded heretofore. But, in plain English, sir, the Comte de Vergennes has no conception of the right way of negotiating with any free people or with any assembly, aristocratical or democratical. He can not enter into the motives which govern them; he never penetrates their real system, and never appears to comprehend their constitution. With empires, and monarchs, and their ministers of state, he negotiates aptly enough.

I have the honor to be, etc.,

JOHN ADAMS.

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Morris to Congress.\*

OFFICE OF FINANCE, *July 31, 1783.*

That the debts which have been found due to persons by settlements at the Treasury Office have not been evidenced by transferable certificates for the following reasons:

1st. All such certificates have, by experience, been found to be only another kind of paper money, continually depreciating both by increase of quantity and defect of funds.

2dly. The consequence thereof is that the same is daily brought into fewer hands and for less value, by which one of two things must happen, either that those few become very rich by their speculations or that, being defrauded, they become clamorous against the Government.

3dly. If the certificates are transferable in the manner proposed by the motion, they are evidence of the debt as due to the bearer, and, therefore, whether obtained by accident, force, or fraud, vest him with a right, to the prejudice of the injured or unfortunate party.

4thly. Being, therefore, a precarious property, they become less valuable from that circumstance.

5thly. When the original proprietors become divested of them some of the reasons in favor of revenues to redeem them lose their force, and the advocates for just measures being lessened, the probability of carrying them through is decreased.

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\* MSS. Dep. of State; 6 Sparks' Dip. Rev. Corr., 633, with verbal changes.

6thly. While the evidence of such debts is in the treasury books and the stock transferable there, the public debt becomes a property, the object of purchase, instead of being, as in the other case, the means of making purchases as money.

But if there be powerful reasons in favor of the motion which have escaped the superintendent of finance, he shall very readily comply with such order as to the wisdom of Congress shall seem meet.

ROBERT MORRIS.

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Boudinot, President of Congress, to Sir Guy Carleton.\*

PRINCETON, August 1, 1783.

SIR: I had the pleasure of acknowledging the receipt of your excellency's letter of the 24th ult., by the return of the messenger who brought it.

I am now honored with the commands of Congress on the subject of that letter, and the papers therein enclosed.

Congress have considered those communications relative to certain persons suspected of forging and passing the notes issued from the office of finance of the United States; and on the maturest deliberation they presume your excellency will give orders that such of the persons, subjects of any of these United States, as are or may be in custody on a charge of having made or passed within any of the United States counterfeits, either of the notes or paper bills of credit of the United States or any of them, shall be delivered up, together with the proofs which shall be collected against them, to be tried under the jurisdiction to whom the cognizance of their crimes belongs.

If this measure should meet your excellency's approbation, a guard shall attend at the time and place to be appointed by your excellency for the purpose of receiving and securing such of the criminals as fall under the above description.

With regard to further enquiries and to criminals who are not amenable to any of these States, Congress have entire confidence that justice will be done and such atrocious offenders brought to condign punishment.

Enclosed is an original paper I found within one of the copies sent by your excellency, and as it may be material in the enquiry I take the liberty of returning it.

My private secretary, Mr. Sterett, going on business to Newark, I have directed him, if a convenient opportunity offers on Monday, to proceed as far as New York and deliver this himself.

I have the honor to be, etc.,

E. B.

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\* MSS. Dep. of State.

Morris to the President of Congress.\*

OFFICE OF FINANCE, *August 1, 1783.*

SIR: I do myself the honor to enclose an account of payments made by the States to the receivers until the 1st day of July last, and with it I take the liberty also to enclose a note containing nearly the proportions in which the States have paid their quotas of the requisitions for 1782.†

I take the liberty further to mention that the State of South Carolina has (by means of the supplies to the troops serving there) paid the full amount of her quota for 1782, as I am informed by the receiver, whose accounts and vouchers (though momentarily expected) are not yet come forward. The State of Georgia has, I believe, contributed something in the same way, but if not, the great ravages which she has endured will account for the defect, without supposing any defect of inclination. As for the other States, I pray leave to avoid any comments on the balances of their accounts.

I have the honor to be, &c.,

ROBERT MORRIS.

J. Adams to Livingston.

THE HAGUE, *August 1, 1783.*

SIR: I had last evening some conversation with D. Joas Theolonico de Almeida, the envoy extraordinary of Portugal, who desired to meet me to-day at any hour at his house or mine. I promised to visit him at twelve, which I did.

He said he had heard that the French minister had proposed to the Duke of Manchester, at Versailles, to reduce the duties upon French wines in England to the level of those upon Portugal wines, and begged of me to inform him if it were true, because, if it were, Portugal must endeavor to indemnify herself by opening a trade with America, or some

\* MSS. Dep. of State; 6 Sparks' Dip. Rev. Corr., 634.

† The proportions are as follows:

South Carolina.....	1-1
Rhode Island, nearly...	1-4
Pennsylvania, above .....	1-5
Connecticut and } each about .....	1-7
New Jersey, .....	
Massachusetts, about .....	1-8
Virginia, about .....	1-12
New York and } each about.....	1-20
Maryland, .....	
New Hampshire, about.....	1-121
North Carolina, .....	
Delaware, and } nothing at all.	
Georgia, .....	

‡ MSS. Dep. of State; 4 Sparks' Dip. Rev. Corr., 91. 8 J. Adams' Works, 126.

other way, for such a project will be ruinous to the sale of their wines in England, which was their only market. I answered that I had heard of such a project among multitudes of others in private conversation, but knew no authority for it. We have a treaty, says he, made in 1703, by which we have stipulated with the English to permit the importation of their cloths upon condition that they allow the importation of Portugal wines upon paying one-third of the duty upon French wines; if they violate the treaty, says he, we shall be rid of it.

I asked him if his court permitted the English, or any other nation, to go to the Brazils? In the last century, said he, between 1660 and 1670, we did agree with Charles the Second, who married a daughter of Portugal, that the English should go to the Brazils, and after that the Dutch sued for permission to go there too, and we granted it. But we found it inconvenient, and in 1714 or 1715, at the treaty of Utrecht, we agreed upon an article with Spain to exclude all nations from the Brazils, and as the English ambassadors were there, we have since held that nation bound, and have confiscated their vessels as well as the Dutch which venture there. The English have sometimes made strong remonstrances, but we have always told them, if we admit you we must admit the Dutch too, and such has been their jealousy of the Dutch and dread of their rivalry, that this has always quieted them, choosing rather to be excluded themselves than that the Dutch should be admitted. So that this commerce has been a long time carried on in Portuguese ships only, and directly between the Brazils and Lisbon.

I asked him whether we might not have free communication with all their Western Islands, and whether one or all of them might not be made a depot for the produce of the Brazils, so that Portuguese ships might stop and deposit cargoes there and American vessels take them? He said he would write about it to his court by the next post. At present Brazil communicated only with Lisbon, and perhaps it might be difficult for government to secure the duties at the Western Islands. I asked if there were any refineries of sugar at Lisbon? He said none. Their sugars had all been brought here by the Dutch for refining; that all their carrying trade with other parts of Europe had been carried on by the English and Dutch; that their mercantile navigation (*marine marchand*) before this war had been upon a very poor footing, but it was now much changed, and they began to carry on their trade in their own vessels. I observed, if their trade should continue to be carried on by others, it must be indifferent to them whether it were done in English, Dutch, or American vessels, provided it was done to their equal advantage. But if they should persist in the desire to conduct it in their own vessels, they might purchase ships ready built in America cheaper than they could build them or buy them elsewhere. All this, he said, was true. That they could supply us with sugars, coffee, cocoa, Brazil wood, and even with tea, for they had an island called Macao, near China, which was a flourishing establishment, and sent them

annually a good deal of tea, which the Dutch usually bought very cheap at Lisbon to sell again.

He asked whether Portugal wines had been much used in America. I answered that port wines, common Lisbon, and Caracavalles had been before the war frequently used, and that Madeira was esteemed above all other wine. That it was found equally wholesome and agreeable in the heats of summer and the colds of winter, so that it would probably continue to be preferred, though there was no doubt that a variety of French wines would now be more commonly used than heretofore. He said they should have occasion for a great deal of our fish, grain, and perhaps ships or ship timber, and naval stores, and other things, and he thought there was a prospect of a very beneficial trade with us, and he would write largely to his court upon it. I replied that I wondered his court had not sent a minister to Philadelphia, where the members and ministers of Congress, and even the merchants of the city, might throw much light upon the subject and assist in framing a treaty to the greatest possible advantage for both countries. He said he would write for a commission and instructions to negotiate a treaty with me. I told him that I believed his court had already instructed their ambassador at Versailles to treat with Dr. Franklin; but that I thought that Philadelphia or Lisbon were the proper places to treat, and that I feared mutual advantages might be lost by this method of striking up a bargain in haste in a distant country between ministers who could not be supposed to have made of commerce a study.

In a letter from Paris yesterday I am informed that a project of a treaty with Portugal and another with Denmark are to go home by Captain Barney. These projects have never been communicated to me nor to Mr. Jay. I hope that Congress will not be in haste to conclude them, but take time to inform themselves of everything which may be added to the mutual advantage of the nations and countries concerned. I am much mistaken if we have not lost advantages by a similar piece of cunning in the case of Sweden.

With great respect and esteem, I have the honor to be, &c.,

JOHN ADAMS.

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Laurens to Livingston.\*

*The Washington, OFF POOLE, August 2, 1783.*

SIR: In pursuance of the determination signified in the preceding copy of my last, of the 17th ult., I proceeded to Paris, and arrived there on the 23d. The despatches being finished for Captain Barney, by advice of Dr. Franklin and Mr. Jay I embarked in the *Washington*, and am presently going on shore at Poole, from whence I shall proceed immediately to London, and apply to the ministers at that court for

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\* MSS. Dep. of State; 1 Sparks' Dip. Rev. Corr., 749.

learning their resolutions respecting the long-pending treaties, and particularly for information whether a minister from the United States will be properly received there. Had the wind been unfavorable, I should have detained Captain Barney for conveyance of such answers as I may receive, but I have recommended to him to profit by the present easterly gale, without losing a moment. \* I am, from sea sickness, unable to add more, except that I shall advise by the earliest opportunities, and that I have the honor to be, &c.,

HENRY LAURENS.

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Carmichael to Livingston.\*

MADRID, *August 2, 1783.*

SIR: On the 29th ultimo I had the honor to enclose you copies of sundry papers relative to the establishment of a commercial intercourse between the citizens of the United States and the subjects of the Elector of Saxony. By that communication you will have learned with great satisfaction that the commerce of Saxony, with the approbation of the sovereign, had chosen M. Philip Thierot, a person of acknowledged merit, to reside in America in the character of commissary-general of commerce. By (No. 2) the papers above mentioned you will have seen the nature and extent of that gentleman's commission. I have now the honor to present him to your notice, persuaded that you will with pleasure procure him occasions of putting effectually into execution the views of the court and commerce of his country. Their nomination of him to this important trust, until circumstances may demand that he be immediately authorized by his sovereign, will, I make no doubt, be a sufficient motive with you to secure him all the civilities and services which it may be in your power to afford him.

I have the honor to be, &c.,

WILLIAM CARMICHAEL.

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J. Adams to Livingston.†

THE HAGUE, *August 2, 1783.*

SIR: M. Berenger, the secretary of the French legation, has this moment left me. He came in to inform me of the news. The Empress of Russia has communicated to the King of Prussia a treaty of alliance between the Emperor of Germany and her, defensive against the Christian powers and offensive against the Turks. The King of Prussia has answered her "that he is very sensible upon this communication, as

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\* MSS. Dep. of State; 5 Sparks' Dip. Rev. Corr., 133, with verbal changes.

† MSS. Dep. of State; 4 Sparks' Dip. Rev. Corr., 94, with verbal changes and omissions; 8 J. Adams' Works, 125.

one is upon the communication of things of great importance." Thus wrapped up in an impenetrable reserve is this great warrior and statesman. We may discern by this answer what all the world would know without it, viz., that his majesty has no joy in this new alliance. Still he expresses no sorrow, and maintains a perfect liberty to take which side he will, or neither, at his pleasure, and the same reserve he will probably hold to the end of the war.

M. Berenger says if Prussia is neutral France must be so too, for she can not cope by land with the two empires; that this Republic is desired to declare, but does not choose it; that they are dissatisfied, and the republicans murmur a good deal and are wavering, and that the other party will do nothing; that England hitherto has favored an accommodation between Russia and the Turks; that the British ambassador at Constantinople has coöperated with the French to bring about an accommodation; that the Turks have offered Russia the free navigation of the Black Sea and passage of the Dardanelles, and the same with a free navigation of the Danube to the Emperor, but they will not accept it, but are determined to drive the Turks from Europe; that France has determined to put her army upon a war footing, because it has been much neglected during the late war; that he believes France and Spain will shut the Mediterranean against a Turkish fleet, as Russia, Sweden, and Denmark excluded warlike vessels from the Baltic in the last war; that this state of things gives him great pain, and must embarrass the Comte de Vergennes. It is a great and difficult question, whether France should take a side. If she does not, and the Empires should prevail, it will be an immense aggrandizement of the House of Austria, which, with Russia, will become two great maritime powers; that England will act an insidious part; pretend to favor peace, secretly foment war and join in at the end, if she sees a favorable opportunity to crush France. These are sensible observations of M. Berenger, who added that a new difficulty in the way of the definitive treaty had arisen between England and Spain, respecting the Mosquito shore, so that more couriers must go and return.

I confess myself as much in pain at this state of things as M. Berenger, and therefore I wish most ardently that we may omit no proper means of settling our question with every court in Europe, and especially our plan of commerce with Great Britain. If this is too long left in uncertainty, the face of things may soon change so as to involve us in the complicated, extensive, and long war which seems to be now opening.

[My advices from England are that Lord Sheffield with his friends Deane, Arnold, Skeane, and P. Wentworth, are making a party unfriendly to us. That the ministry adopt their sentiments and measures. That Fox has lost his popularity and devoted himself to North, who has the King's ear and disposes of places. That Burke is mad with rage and passion. That the honest men are much disgusted that



there is no parliamentary reform, the merchants that commerce does not revive. The monied men are at their wits' ends on account of the conduct of the bank, and the army and navy disbanding in a spirit of revolt. That it is much to be feared that in a year there will be a convulsion in the state and public credit ruined. That the present ministry can not stand to the meeting of parliament, for that nothing has been or can be done by them.]\*

The prospect of returning to Paris and living there without my family, in absolute idleness, at a time when so many and so great things want to be done for our country elsewhere, is very disagreeable. If we must live there, waiting for the moving of many waters, and treaties are to be there negotiated with the powers of Europe, or only with Denmark and Portugal, I pray that we may all be joined in the business, as we are in the commission for peace, that at least we may have the satisfaction of knowing what is done, and of giving a hint for the public good if any one occurs to us, and that we may not be made the sport and ridicule of all Europe, as well as of those who contrive such humiliations for us. [I declare I would rather be doorkeeper in Congress than live in Paris as I have done for the last five months.]\*

With the greatest respect, I have the honor to be, &c.,

JOHN ADAMS.

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J. Adams to Livingston.†

THE HAGUE, *August 3, 1783.*

SIR: The fiscal systems of the powers of Europe have such an ill influence on commerce that they deserve the serious attention of Congress and their ministers whenever they have under consideration a treaty with any foreign power. In conversation yesterday with M. d'Asp, the *chargé d'affaires* of Sweden, I inquired of him what imposts were payable in their ports upon the importation and exportation of merchandizes, and observed to him that I had lately seen in the gazettes that the King had taken off certain duties upon the importation of merchandizes from America in Swedish ships. He agreed that such a thing had been done. This ought to alarm us. All the powers of Europe who are called neutral have felt a sudden increase of their navigation in the course of the late war, and the profits they have made have excited a desire to augment it still further. If they should generally exact duties of our ships, and none of their own, upon the importation of our produce, this will be as great a discouragement to our navigation as it will be an encouragement to theirs. Whether this has been attended to in the treaty with Sweden I know not, for I have not seen it. But it ought to be carefully considered by those who negotiate

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\* Passages in brackets omitted in Sparks' ed.

† MSS. Dep. of State; 4 Sparks' Dip. Rev. Corr., 96; 8 J. Adams' Works, 130.

the treaties with Denmark and Portugal, the Emperor and Empress, and all other powers. We have a good right to insist that no distinction shall be made in their ports between their ships and ours; that we should pay in their ports no higher duties than they pay in ours.

I should think it therefore advisable for Congress to instruct their negotiators to endeavor to obtain equity in this respect. This is the time for it, if ever. If we can not obtain it by negotiation, we must think and talk of doing ourselves justice by making similar distinctions in our own ports between our vessels and theirs. But here again comes in the difficulty of uniting our States in such measures; a difficulty which must be surmounted, or our commerce, navigation, and marine will still be ruined, notwithstanding the conservation of the fisheries. It deserves to be considered by whom this new method of huddling up treaties at Paris is contrived, and for what purposes. It may well be conjectured that it is done with the secret intention of preventing these things from being attended to; for there are persons who had rather that any other people should have navigation than the Americans. I have good reason to believe that it was known at Versailles that Mr. Dana had well digested his thoughts upon this subject, which was reason enough for some people to endeavor to take Sweden out of his hands, in whose department it was. Their success is much to be lamented.

I had yesterday and the day before long conversations with the Baron Van der Capellen de Pal and M. Gyselaer. They both complain to me, in the most pathetic terms, of the cruel situation of the friends of America and France in this Republic. They both say that they are looking round every way like drowning men for support. The Province of Friesland, their great dependence, wavers, and many of their fellow-laborers are discouraged. They both inquired of me very earnestly if closer connexions could not be formed with us; if we could not agree to warrant to each other the liberty of navigation, or enter into an alliance, offensive and defensive. They see they shall be obliged to make a shameful peace, and that the blame of it will fall upon them, which will give a triumph to the court and put their persons even in danger. They say the King of France, by his ambassador, in July, 1782, gave them a positive assurance that he would never separate his cause from theirs. In consequence of this, they had instructed their ambassadors never to separate their cause from his. On their part the agreement had been sacredly observed, but not on the other. With Great Britain enraged against them, with a formidable party in the Republic furious against them, with the King of Prussia threatening them, and abandoned by France, their prospects are, they say, as disagreeable as can be conceived.

There are many appearances of designs to excite the people to seditions, and I think it probable that the court of London studies delays of the definitive treaty in this hope. I still believe, however, that the

people will be wise and the Republic firm, and submit to the immense losses of the war, and that of Negapatnam, rather than renew their old submission to the court and to England.

I have the honor to be, &c.,

JOHN ADAMS.

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**Ratification of the Provisional Articles by Great Britain.\***

AUGUST 6, 1783.

George R., George the Third, by the Grace of God King of Great Britain, France, and Ireland, Defender of the Faith, Duke of Brunswick and Lunenburg, Arch Treasurer, and Prince Elector of the Holy Roman Empire, &c.

Whereas provisional articles between us and our good friends the United States of America, viz, New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations; Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, were concluded and signed at Paris, on the thirtieth day of November, one thousand seven hundred and eighty-two, by the commissioners of us and our said good friends, duly and respectively authorized for that purpose; which provisional articles are in the form and words following: [Here follows the treaty. See *supra* under date of November 30, 1782.]

We, having seen and considered the provisional articles aforesaid, have approved, ratified, accepted, and confirmed the same in all and every one of their clauses and provisos, as we do by these presents approve, ratify, accept, and confirm them, for ourself, our heirs, and successors; engaging and promising upon our royal word, that we will sincerely and faithfully perform and observe all and singular the things which are contained in the aforesaid provisional articles, and that we will never suffer them to be violated by any one, or transgressed in any manner, as far as it lies in our power. For the greater testimony and validity of all which, we have caused our great seal of Great Britain to be affixed to these presents, which we have signed with our royal hand.

Given at our court at St. James, the sixth day of August, one thousand seven hundred and eighty-three, in the twenty-third year of our reign.

GEORGE R.

**AN ACT OF THE BRITISH PARLIAMENT REPEALING CERTAIN ACTS PROHIBITING INTERCOURSE WITH THE UNITED STATES.**

AN ACT to repeal so much of two acts, made in the sixteenth and seventeenth years of the reign of his present majesty, as prohibits trade and intercourse with the United States of America.

Whereas it is highly expedient that the intercourse between Great Britain and the United States of America should be immediately opened: be it therefore enacted

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\* MSS. Dep. of State; 5 Sparks' Dip. Rev. Corr., 533.

and declared by the King's most excellent majesty, by and with the advice and consent of the Lords Spiritual and Temporal and Commons, in the present Parliament assembled, and by the authority of the same, that an act passed in the sixteenth year of his majesty's reign, entitled "An act to prohibit all trade and intercourse with the Colonies of New Hampshire, Massachusetts Bay, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, the three lower counties on Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, during the continuance of present rebellion within the said Colonies respectively, for repealing an act made in the fourteenth year of the reign of his present majesty, to discontinue the lading and discharging, lading or shipping of goods, wares, and merchandises at the town and within the harbor of Boston, in the Province of Massachusetts Bay; and also two acts made in the last session of Parliament, for restraining the trade and commerce of the Colonies in the said acts respectively mentioned; and to enable any person or persons, appointed and authorised by his majesty to grant pardons, to issue proclamations in the cases and for the purposes therein mentioned;" and also an act passed in the seventeenth year of his majesty's reign, entitled "An act for enabling the commissioners for executing the office of lord high admiral of Great Britain to grant commissions to the commanders of private ships, and vessels employed in trade, or retained in his majesty's service, to take and make prize of all such ships and vessels, and their cargoes, as are therein mentioned, for a limited time," so far as the said acts, or either of them, may extend, or be construed to extend, to prohibit trade and intercourse with the territories now composing the said United States of America, or to authorise any hostilities against the persons or properties of the subjects and citizens of the said United States, after the respective periods set forth in his majesty's proclamation for the cessation of hostilities between Great Britain and the United States of America, bearing date the fourteenth day of February, one thousand seven hundred and eighty-three, shall be, and the same are henceforth, repealed.

Anno vicesimo tertio Georgii III. regis; cap. 26.

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**Morris to Willink & Co.\***

OFFICE OF FINANCE, *August 6, 1783.*

GENTLEMEN: I beg leave to acknowledge your favor of the 12th of April last, which came to hand two days ago. From the letters I had already written, and which I presume you will have received before this, you will easily see how much pleasure I derive from the prospect that your loan may speedily fill. Be assured, gentlemen, that your endeavors on this occasion shall not be forgotten; and rely on it that you cannot render more acceptable service to the United States.

My former letters contained the disposition of your funds so far as to satisfy any demands which Mr. Grand might have. These, I suppose, have been complied with, and I expect that not only the sums which Mr. Grand could possibly want must have come to your hands before this letter can arrive, but that you will still have a considerable balance.

Under these circumstances, the exchange on your city being now high and the disbandment of our army having increased my need of money to make them a considerable payment, I have concluded to draw

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\* MSS. Dep. of State; 6 Sparks' Dip. Rev. Corr., 635.

on you to the amount of two hundred thousand florins, as occasion may offer; and if exchange should not fall, nor any advices arrive to prevent the measure, I may, perhaps, extend my drafts on you to five hundred thousand florins. But as it might happen, notwithstanding my opinions, that you should not be considerably in cash beyond Mr. Grand's demands, I have determined on these two points: first, that I will not precipitate my sales here, but only dispose of bills as occasion may require; and, secondly, that I will draw at ninety days' sight, because the demand for bills is such that a difference in the sight will make none in the price. By these means it will happen, gentlemen, that even if you are not in cash when the bills arrive, you can have no difficulty as to the acceptance, because the natural progress of the loan must put you in possession of the money before they can fall due. And this is the more to be expected, as some of the tobacco will doubtless have arrived, which cannot but give weight and solidity to your negotiations. If, however, these things should not so happen, you will, I expect, pay the bills at any rate, and for any excess beyond your immediate funds you will charge an interest to the United States. On the other hand, if it should happen, according to my expectations, that you have unappropriated money in your hands when the bills are presented, I am then to request that you will pay them at sight, if agreeable to the parties, deducting the usual discount for prompt payment, which you will be so kind as to credit to the United States.

With every wish for your success and prosperity, I have the honor to be, &c.,

ROBERT MORRIS.

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Washington to Morris.\*

HEADQUARTERS, August 6, 1783.

SIR: I thank you for the communication which you have been pleased to make to me under the 11th of July. It was handed to me on my return last evening from a tour I have been making to the northward and westward, as far as Crown Point and Fort Schuyler, to view the posts and country in that part of the United States territory.

The anticipations you have been obliged to make are indeed great, and your circular letter to the States on the occasion appears to me sufficient, if anything of the kind can be so, to arouse their attention to the necessity of your circumstances. I most sincerely wish it may have the desired effect.

In consequence of my tour to the northward, the quartermaster general will have my orders to prepare batteaux and other means of transportation to the upper posts of the cannon, stores, and provisions which will be absolutely necessary for possessing and maintaining them. To

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\* 6 Sparks' Dip. Rev. Corr., 636.

effect this, money will be necessary, and I give you this information that a demand will probably be made on you for the purpose.

The State of New York, which is deeply interested in the security of these posts and effecting this business, may perhaps be prevailed on to furnish the necessary sums to be placed to general accounts. This will probably exert itself in this case preferably to any other. I give you this hint and leave its improvement to you.

Knowing your situation, I am pained when necessity obliges me to make any application for money. But this purpose is of so great importance to the interests of the United States, and of so urgent necessity, that if the sums required cannot be obtained in the way I have hinted, I must entreat you to give every assistance to Colonel Pickering that shall be necessary.

I am, &c.,

GEORGE WASHINGTON.

Dana to Livingston.\*

No. 37.

ST. PETERSBURGH, August 8 [July 28, O. S.], 1783.

SIR: In my last I acknowledged the receipt of yours of the 2d of May, enclosing the resolution of Congress of the 1st of April, relative to my returning to America, and I acquainted you at the same time that I should take my passage directly from hence for Boston, in the yacht of the Duchess of Kingston. It being necessary immediately to prepare for the voyage, I thought it but decent to inform the vice chancellor of this change before it should become public, and have this day written a letter to him for that purpose, of which the following is a copy:

His Excellency Count OSTERMANN:

I do myself the honor to acquaint your excellency that having obtained the permission of the Congress of the United States to return to America I propose to leave this empire in a few weeks. And as her Imperial majesty has been pleased to postpone granting me an audience for the purpose of my presenting my letters of credence till the conclusion of the definitive treaties of peace under the mediation of their Imperial majesties, though that event should take place before my departure, yet it would be unnecessary to trouble her Imperial majesty with that ceremony, when it must be so soon followed with another. I have thought it incumbent upon me to inform your excellency of my intention to return to America before I had taken any step which might make it public.

I have the honor to be, &c.,

FRANCIS DANA.

ST. PETERSBURGH, August 8 [July 28, O. S.], 1783.

As it is probable that I shall be in America by the time this letter will reach you, that is in all November, I shall add nothing here.†

I have the honor to be, &c.,

FRANCIS DANA.

\* MSS. Dep. of State; 4 Sparks' Dip. Rev. Corr., 733.

† See Dana to Livingston, March 7, 1783, *supra*, note

## Laurens to Morris.\*

LONDON, *August 9, 1783.*

SIR: On the 4th instant I had the honor of receiving your very obliging letter of April the 18th, accompanied by "a state of Mr. Laurens' account with the United States," &c., and a bill on Mr. Grand for its apparent balance, 7,083 livres 7s., which is said to be for three months' salary, from the 1st of January to the 31st of March, 1783. For former quarter's salary, about 16,666 livres 13s. had been remitted to me; wherefore I presume there is an error in the present article. I have not learned of any alteration made by Congress in the ministers' salaries, except in the mode of calculating the exchange of dollars. If there is an error you will cause it to be rectified. Be pleased, sir, to accept this as an acknowledgment of the receipt of the said bill for seven thousand and eighty three livres and seven sols, and also of my best thanks for your goodness in forwarding the remittance. Besides the above-mentioned error, the account is partial, confined probably to the administration of Mr. Robert R. Livingston, or of Mr. R. Morris, and an adjustment of the whole, therefore, must be deferred to a future day. I would also remark another omission, the commission for agency, due either to Mr. Livingston or yourself, which may be deducted from a future bill, and will be admitted on my part with alacrity and thankfulness for your trouble.

I have the honor to be with great respect and esteem,

HENRY LAURENS.

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 Laurens to the Ministers of the United States at Paris.†
LONDON, *August 9, 1783.*

GENTLEMEN: Availing myself of your consent and recommendation, I embarked at Le Havre, on board the *Washington*, and sailed from thence the 1st instant. On the 2d, nine o'clock a. m., we were within six leagues of Poole, in Dorsetshire. The wind being very favorable, I quitted the ship, went on board a small hoy bound to Poole, and urged Captain Barney to proceed on his voyage, leaving my excellent post carriage to take its fate on the ship's deck, in preference to the risk of delaying him a single hour. Had the wind been westerly, I might have detained him a few days for despatching to Congress the result of my application to the ministers of this court. I judge from the state of the wind since I parted with Captain Barney, that he was clear of the channel Sunday night, the 3d, and that he is now one hundred and fifty or two hundred leagues advanced on his voyage.

I arrived in London late in the night of the 3d, and on the 5th had a conference with the right Hon. C. J. Fox, esq., which I committed to

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\* 1 Sparks' Dip. Rev. Corr., 749.

† MSS. Dep. of State; 1 Sparks' Dip. Rev. Corr., 750, with verbal changes.

writing as soon as it had ended. I shall give it in a short dialogue, as the best way, not pretending to accuracy in every word, but fully preserving the sense and substance.

Mr. Fox. I suppose, Mr. L., you wish to forward the ratification of the provisional articles.

L. I could wish that was done, sir, but it is not the particular business I have in charge.

F. I understood from Mr. Hartley's letter, which you sent me, that it was, but he does not speak positively.

L. No, sir, the only business I have in charge is to inquire whether a minister from the United States of America would be properly received at this court?

F. Most undoubtedly, sir; I could wish that there was one here at present. I think we have lost much time from a want of a minister from your side.

L. Then, sir, will you be so good as to ask his majesty, and inform me?

F. I will take the King's pleasure to-morrow, and you shall hear from me; I suppose there is already a conditional appointment of some person now in Europe.

L. Not that I know of, though I do not know the contrary, but I have an excellent opportunity of writing to Congress, and I have no doubt an appointment will be made immediately.

F. That is unlucky; there must be two crossings of the ocean then. If a minister of Congress had been here we might have done our business in half the time we have already spent; but I shall certainly inform you to-morrow. This is the very time a minister from your people is most necessary.

L. Though I have nothing particularly in charge except the business already mentioned, I regret the delay of both the commercial and definitive treaty. We had flattered ourselves with hopes in March and April that both would have been finished in a few days.

F. Why, as to a definitive treaty, I can not see any necessity for one, or not immediately. The provisional articles are to be inserted, and to constitute a treaty; a ratification of those, I apprehend, will answer all the purposes of a definitive treaty; they may be made definitive. The case with respect to France and Spain differs widely; several articles in our preliminaries with them refer to a definitive treaty.

L. I agree with you, sir, that the provisional articles, mutually ratified, may, by the consent of the parties, be made definitive; but there may be additional articles suggested and agreed to for mutual benefit.

F. That is true; but I do not see any at present; I very much regret the want of a minister from America.

L. Permit me, sir, to ask you, is it intended by the proclamation of the 2d of July to exclude American ships from the West India trade between the United States and the British islands?



F. Yes, certainly, it was so intended, in order that we might have something to treat for; and this will be a subject for a commercial treaty.

On the 6th I waited upon his Grace, the Duke of Portland. His Grace was equally clear and positive, as Mr. Fox had declared himself, that a minister from the United States of America would be well received at this court, and also regretted that an appointment had not earlier taken place. I touched upon the commercial and definitive treaty, referred to assurances in March and April, intimated my apprehensions of pernicious effects which might arise from excluding American ships from a freedom between the United States and the British West India Islands, adding what I had learnt from Doctor Franklin of the commerce intended by the court of France between our American and the French islands. I can only say, the Duke seemed to wish that everything had been settled to mutual satisfaction, and hoped that everything would soon be settled.

Yesterday, by the desire of Mr. Fox, I called upon him again; he said he had not seen the King, but that he had transmitted an account to his majesty of my application; that we might be perfectly satisfied, however, that a minister from Congress would be well received; that the appointment of one was much wished for here; that he must take blame to himself, in some degree, for the long delay of a commercial regulation, but that business would now soon be finished; he had no objection himself to opening the West India trade to the Americans, but there were many parties to please, and you know, added Mr. Fox, the people of this country very well. Yes, sir, I know something of them, and I find not only the West India planters, but some of the most judicious merchants, anxious for opening the trade. I have been told by some of them that they should be ruined without it. I believe all this, said Mr. Fox, but there are other people of a different opinion. As to the definitive treaty, there may be, as you observed, new articles necessary for mutual advantage, and we may either add such to the provisional articles, and make the whole definitive, or make a new treaty; but I understand it is expected this should be done under the eye of, or in concert with, the court of France, which, for my own part, I do not like and can not consent to. I replied, in my opinion a new treaty definitive would be best, as well for incorporating additional articles as for clearing away some of the rubbish in the provisional, which contained, if not nonsense, more than a little ambiguity; that though I did not see the necessity for it now, yet I had been told it was expected our definitive treaty should be finished in communication with the French court; but, as I had formerly observed, I had received no charge on this head, and spoke only the sentiments of Mr. Laurens to Mr. Fox, and not to a minister of Great Britain.

I have detailed facts as fully and freely as memory has enabled me. I leave them with you under this one remark, that we are cooler in the

dog days than we were at the vernal equinox. The philosophy of Versailles and Passy may account for, and guard against, the effect of extreme changes. I have found my presence here at this juncture of some use in explaining, or attempting to explain, the late mutiny at Philadelphia. The enemies of this country and of the United States had exulted; the friends of both had too much abandoned themselves to dread; that the soldiery had assumed the reins of government, and that all the States of America were rushing into anarchy.

Captain Carberry and Lieutenant Sullivan, those rash young officers who led on the mutineers to the State House, arrived a few days ago. The former has been with me, expressing deep concern for his conduct, desirous of returning with an assurance of personal safety, and wanting money for supporting daily expenses, alleging that the United States are indebted to him at least "twelve hundred pounds currency, exclusive of land." I have recommended to him to return immediately, and demean himself to the laws of his country, and submit to the magnanimity of Congress. He expresses a dread of undergoing a trial. Could I afford it, and were to advance money for his living in London, should I not incur censure at home? I beg you will communicate such particulars of that disturbance and the event of it as you may have learned, and your opinion for my conduct respecting these officers.

Mr. Barclay will tell you of a display of the American standard under a triumphant British pendant at a very capital inland fair. Trifling as the insult may appear, it discovers a little leaven at the centre.

I have the honor to be, &c.,

HENRY LAURENS.

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Laurens to Livingston.\*

LONDON, August 9, 1783.

SIR: The annexed is a duplicate of a few lines which I had the honor of addressing you on the 2d instant, by Captain Barney, in the ship *Washington*; and enclosed with this you will find an exact copy of my letter of the present date, written to the ministers of the United States at Paris, which will show in brief what I have been doing since my return to London and afford some information to Congress for their government in the appointment of a minister at this court, to both which I beg leave to refer.

I have received a letter of the 18th of April from Mr. L. R. Morris, enclosing what is called a state of my account with the United States, and a bill on Mr. Grand for its balance, 7,083 livres 7s., which, as far as it goes, appears to be right, though I have not yet had time for minute examination. I am much obliged for the remittance, but the

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\* 1 Sparks' Dip. Rev. Corr., 754.

account must rest to a future day for final settlement. I had formerly intimated my ignorance of the stipend Congress had determined to allow me, and having no information on that head it is not in my power to correct or confirm this or to frame a new account. It may appear that my services were as valuable in the Tower of London and after my release, antecedently to an appointment in the commission for peace, as they could possibly have been in any other station, notwithstanding the former might not have been quite so pleasant a sphere to myself; but I am in the judgment of Congress and shall perfectly acquiesce in their will.

I shall go to-morrow to Bath in hopes of confirming my lately recovered health, and shall be preparing for embarkation in October. I am in treaty for one of the cabins of the packets at Falmouth, and know but one circumstance that can detain me. My brother, who has resided upwards of six years in the south of France, had been many months past in a most deplorable state; every day expected to be his last; yet he lives. The prospect of leaving a widowed sister and my youngest daughter, who is with them, at such a distance without a protector is exceedingly distressing to me. Should my brother's unhappy condition be extended a month or two, I may be compelled to defer my voyage to the next spring; in such case I shall hold myself discharged from the service of Congress—I mean so far only as respects salary. I shall miss no opportunity of serving my country while I am in Europe. No doubt Congress will admit a reasonable time for my return and provide for the expense of my passage. Letters under cover to Richard Oswald will find me here or overtake me.

I-am, with the highest esteem, &c.,

HENRY LAURENS.

P. S.—Reviewing the above mentioned “state of account,” I perceive only 7,083 *livres* 7s. have been carried to my credit for three months, from the 1st of January to the 30th of March, 1783, and only that sum remitted, which I presume is an error.

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J. Adams to Livingston.\*

PARIS, *August 10, 1783.*

SIR: On the 6th I left The Hague, and last night arrived here. I had several interviews on some of the last days at The Hague, which I had not time to give you an account of, as a great part of my time was taken up with visits to take leave of the court, the president, the grand pensionary, greffier, &c., ceremonies which must be repeated at

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\* MSS. Dep. of State; 4 Sparks' Dip. Rev. Corr., 98, with verbal changes; 8 J. Adams' Works, 132.

every coming and going, and upon many other occasions, to the no small interruption of business of more importance.

I asked the Count de Sanafée, the Spanish minister, with whom I have always lived upon very good terms, whether it might not be possible to persuade his court that it would be good policy for them to allow to the citizens of the United States of America a free port in some of their islands at least, if not upon the continent of South America? He said he did not know; that he thought, however, his court would be afraid of the measure, as free ports were nests of smugglers and afforded many facilities of illicit trade (*le commerce interlope*).

I asked him further, whether measures might not be taken at Madrid to the end that the sugars, coffee, cocoa, &c., of their colonies might be carried to the free ports of France, Holland, and Denmark, in the West Indies, or one of them, in Spanish vessels, that they might be there purchased by Americans. He said he was not able to foresee any objection against this. I asked him again what objections there could be to admitting American vessels to the Spanish Islands of Cuba and Hispaniola, to carry their produce and purchase molasses, as they did in the French and Dutch colonies. Such a commerce would be useful and profitable both to them and to us. He said that he could not pretend to give any opinion upon any of these points, but that we must negotiate them at Madrid. I hope Congress will instruct their minister at the court of Madrid to propose all these things and endeavor to obtain them.

The Portugese Envoy, Don Almeida, returned my visit, and brought with him a copy of the treaty between Spain and Portugal, made at Utrecht in 1715. This treaty was signed under the warranty of Great Britain, and one article of it is that each nation shall confine the commerce with its possessions in America to their own subjects. I had much satisfaction in the conversation of this minister, who, though a young man, appears possessed of more than common intelligence and a desire to inform himself of every thing which can affect his nation. He is, as he told me, a nephew of the present prime minister at the court of Lisbon. He says that the *King his master* (a style which they continue to use, although the Queen is the sovereign and her husband is but her subject) allows but sixty thousand Dutch guilders a year to his ambassador at Versailles, which not being sufficient for his expenses at that court, he is continued there because he is very rich; but that he is not a man of business.

He again enlarged upon the subject of Portuguese navigation, which has been prettily increased (*très-joliment augmenté*) during the late war, and would have been still doubled if the war had continued another year; that their merchants and mariners had pushed their navigation with more spirit than skill; had sent their wines and other things in prize vessels purchased in France and Spain all over Europe; but that, their seamen not being experienced, many vessels had been lost, so that

the price of insurance was ten per cent. when it was not more than three or four with other neutral nations; that the profits had nevertheless been so considerable as to excite a strong inclination still to increase their shipping and carrying trade. These observations are worth repeating to Congress, because all the other neutral powers have felt a like advantage. The commerce of the northern powers was so increased and had turned the course of business as much that way to such a degree as occasioned to the Danish minister at Versailles, for example, a loss of forty per cent. upon his salary, so much was the exchange affected.

The late belligerent powers, having observed this sudden increase of the commerce of the neutrals, and that it was owing to the sudden growth of their navigation, are alarmed. So that the attention of all the commercial nations is now turned to navigation, carrying trade, coasting trade, etc., more than ever. We should be apprized of this, and upon our guard. Our navigation and carrying trade is not to be neglected. We have great advantages for many branches of it, and have a right to claim our natural share in it.

This morning I went out to Passy, and found from Dr. Franklin and Mr. Jay, that nothing farther had been done since my departure but to deliver to Mr. Hartley a fair copy of the project of a definitive treaty, which I had left with my colleagues; that Mr. Laurens had been here in my absence, and returned to England; that he was of the opinion the present British ministry would not remain a fortnight; that Mr. Hartley had been seven weeks without a letter from his principals, and then received only an apology for not having written, a promise to write soon, and authority to assure the American minister that all would go well. These last are words, of course. There are but three ways in which I can account for this conduct of the British ministry. 1st. The first is, that they foresee a change, and do not choose to commit themselves, but wish to reserve everything for the foundation of a future opposition, that they may attack the definitive treaty which may be made by a future ministry, as they attacked the provisional and preliminary one made by the last. 2dly. That they are exciting secretly and insidiously the troubles in the north, in hopes of involving France, and then assuming a higher tone. 3dly. That they are in expectation that seditions may be excited in Holland, and the Dutch induced to renounce France, and renew the ancient alliance with England.

I see no more appearance of the definitive treaty than I have done these six months. Mr. Hartley, I am told by Mr. Jay, thinks that the French court wish to delay the signature; that they do not wish to see the peace finished between England and America, while matters are uncertain in the north. There are so many considerations on both sides of the question whether the French minister wishes to finish soon or not, that it is hard to decide it. Neither court possibly is very zealous

to finish while so great a scene as the northern war lies under so much obscurity.

I have the honor to be, &c.,

JOHN ADAMS.

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Morris to Washington.\*

OFFICE OF FINANCE, *August 12, 1783.*

SIR: I have received your excellency's favor of the 6th instant. I am always happy to hear from you, although I confess that every new demand for money makes me shudder. Your recommendations will always meet my utmost attention, because I am persuaded that you have, equally with me, the desire to husband and enlarge our resources. Your perfect knowledge of our political and military situation must decide on the measures to be pursued, and I am persuaded that your advice to Congress on these subjects will be equally directed to the safety, the honor, and the interests of the United States.

With very sincere esteem, I have the honor to be, &c.,

ROBERT MORRIS.

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Morris to the Paymaster-General.†

OFFICE OF FINANCE, *August 12, 1783.*

SIR: I am to acknowledge the receipt of your favor of the 6th instant, containing two questions. To the first of these I answer, that my anticipations amount to a very large sum; that it will employ all my resources to honor engagements already taken; that of consequence I can not see my way clear to form new ones, and that if I did, the groundless and injurious clamors which have been raised on this subject would prevent me. It becomes impossible to serve a people who convert everything into a ground for calumny. The existence of the republic, since the conclusion of a peace, no longer depends upon extraordinary sacrifices and exertions. My desire to relieve the army has been greatly cooled, from the information that many of them have joined in the reproaches I have incurred for their benefit. And the necessity I feel of quitting (at the earliest possible moment) an office of incessant labor and anxiety, whose only reward is obloquy, will not permit me even to think of any farther anticipations.

The second question in your letter is foreign to my Department, a question which you have as many materials to judge upon as I have, and which you are particularly authorised to decide.

I am, sir, &c.,

ROBERT MORRIS.

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\* 6 Sparks' Dip. Rev. Corr., 637.

† MSS. Dep. of State; 6 Sparks' Dip. Rev. Corr., 637.

J. Adams to Livingston. \*

PARIS, *August 13, 1783.*

SIR: Yesterday I went to court with Dr. Franklin, and presented to the Count de Vergennes our project of a definitive treaty, who told us he would examine it and give us his sentiments upon it.

It was ambassadors' day, and I had conversations with a number of ministers, of which it is proper I should give you an account.

The Dutch ambassador, Berkenrode, told me that last Saturday the Count de Vergennes went to Paris and dined with the Imperial ambassador, the Count de Mercy, in company with the Duke of Manchester, the Count d'Aranda, the Prince Bariatinski, and M. Markoff, with their secretaries; that after dinner the secretaries in presence of all the ministers read over, compared, and corrected the definitive treaties between France and Great Britain, and between Spain and Great Britain, and finally agreed upon both. So that they are now ready for signature by the ministers of Great Britain, France and Spain as principals, and by those of the two Imperial courts as mediators.

The Duke of Manchester told me that Mr. Hartley's courier, who carried our project of a treaty, arrived in London last Saturday, and might be expected here on next Saturday on his return.

In the evening on my return from Versailles, Mr. Hartley called upon me at my house, and informed me that he had just received a courier from Westminster, who had brought him the ratification of our provisional treaty under the King's own hand, and under the great seal of the kingdom, enclosed in a silver box, ornamented with golden tassels as usual, which he was ready to exchange to-morrow morning. He informed me farther, that he had received very satisfactory letters from the Duke of Portland and Mr. Fox, and the strongest assurances that the dispositions of his court were very good to finish immediately, and to arrange all things upon the best footing; that he had further received plenary authority to sign the definitive treaty to-morrow, or to-night if we pleased; that he had received a draft ready formed which he would show us.

We agreed to go together in the morning to my colleagues, and this morning we went out in Mr. Hartley's carriage, exchanged the ratifications, and he produced to us his project of a definitive treaty. It is the provisional treaty in so many words, without addition or diminution. It is only preceded with a preamble, which makes it a definitive treaty. And he proposed to us, that all matters of discussion respecting commerce or other things should be left to be discussed by ministers to be mutually appointed to reside in London or in Philadelphia. We told him that it had been proposed to us that the ministers of the two

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\* MSS. Dep. of State; 4 Sparks' Dip. Rev. Corr., 101, with verbal changes; 8 J. Adams' Works, 135.

Imperial courts should sign the treaty as mediators, and that we had answered that we had no objection to it.

He said he had unanswerable ones. First, he had no authority, and could not obtain any certainly under ten days, nor probably ever; for, secondly, it would, he thought, give great offence to his court, and they never would agree that any nation should interfere between them and America. Thirdly, for his part, he was fully against it, and should write his opinion to his court. If he was about to marry his daughter, or set up a son in the world after he was of age, he would never admit any of his neighbors to interfere and sign any contract he might make as mediators. There was no need of it.

We told him there was no need of warmth upon the occasion, or any pretence for his court to take offence; that it had been proposed to us that the Imperial ministers should sign as mediators. Our answer had been, that we had no objections; that we were willing and ready to consent to it, or even to request it. His court had a right to consent or dissent as it thought proper. To be sure, the mediation could not take place without their consent. That he might write to his court the proposition, and if he received orders to consent or dissent, it would be equally well. In the meantime, we were ready to sign the definitive treaty either with or without the mediation, whenever the other parties were ready to sign, according to his project just received from his court, that is, simply a repetition of the provisional treaty.

We have agreed to this because it is plain that all propositions for alterations in the provisional articles will be an endless discussion, and that we must give more than we can hope to receive. The critical state of things in England and at the court of Versailles, and in all the rest of Europe, affords pressing motives to get this business finished.

Mr. Hartley told us from his court, that they had expected an American minister at St. James' these three months, and that all further matters might be there discussed.

He also announced to us the birth of another princess, the fifteenth child of the queen, upon which event he received our congratulations, which I hope Congress will approve and repeat by their minister in London; for these personal and family compliments are more attended to in courts, and have greater effect than may be imagined.

I lament very much that we can not obtain an explanation of the article respecting the refugees, and that respecting debts; but it is plain, we must give more than they are worth for such explanations; and what is of more decisive importance, we must make a long delay, and put infinitely greater things at hazard by this means, even to purchase an alteration at a dear rate.

I have the honor to be, &c.,

JOHN ADAMS.



J. Adams to Livingston.\*

PARIS, August 13, 1783.

SIR: The question before the French cabinet, whether they shall involve themselves in a war against two Christian empires, in order to support a Turkish one, is of a serious nature on many accounts. If the Turks should be driven out of Europe, France would lose some of the Levant trade and some of the coasting trade of Italy; and these commercial and naval considerations are re-enforced by others, which lie deeper in the human heart, the ancient rivalry between the great Houses of Bourbon and Austria, and between the vast countries of Germany and France, and between all the lesser powers which depend upon them. To these considerations is to be added, that an Austrian princess is now upon the throne of France, to whom it is no doubt a melancholy consideration, that there is danger of war between a husband and brother.

The city politicians are looking out for alliances with Prussia, Holland, and even England, but can find none. It can not be expected that either will engage; yet the French minister has gone far towards compromising his master, by augmenting the army to a war establishment, and by threatening to shut up the Mediterranean sea.

In this posture of affairs it is not surprising that there should be a fermentation at Versailles, and since my return to Paris I find it is the general topic of conversation. Monsieur de Breteuil, late ambassador to the court of Vienna, who is supposed to be esteemed by the queen, and connected with her friends, is lately, about a fortnight ago, called to the king's council, and the Maréchal de Castries, who is in the same interest, is said to be new-modeling the subordinate offices in his department.

From these and many other considerations, it is generally concluded that Count de Vergennes' continuance in the ministry is precarious. Mr. Hartley last night and to-day began conversation with me upon the subject, and is very sanguine that his minister will continue in place but a very short time, and assures me that the Duke of Manchester is of the same opinion. I pretended to form no opinion, because I have ever carefully avoided conversations and connections which might be misinterpreted into an attachment to persons or parties in this kingdom.

I know that for the last nine months many sensible people have thought this minister in a tottering situation; others think he will weather out the storm, which all people agree is preparing for him. Time will discover. One thing is agreed on all hands, that he is not in favor with the queen, and as he has taken up the cause in a pretty high tone against the Emperor and Empress, if he should be now displaced,

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\*MSS. Dep. of State; 4 Sparks' Dip. Rev. Corr., 103, with verbal changes.

Congress, I think, may infer from it that France will not take part in the war; on the contrary, if he remains, it is probable she will.

I have the honor to be, &c.,

JOHN ADAMS.

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J. Adams to Livingston.\*

PARIS, August 13, 1783.

SIR: Yesterday, at Versailles, the Baron de Walterstorff came to me, and told me he had delivered to Mr. Franklin a project of a treaty between the Court of Denmark and the United States, and asked me if Mr. Franklin had shown it to me. I answered him that I knew nothing of it. He said that he wondered at that; he presumed it was because of my absence at the Hague, for that it had been shown to Mr. Jay. Here, by the way, he was misinformed, for upon my return from Versailles I called upon Mr. Jay on purpose to ask him, and he assured me he had not seen it. I asked Walterstorff if his orders were to propose his project to us all. He said no, his court had been informed that Mr. Franklin was the minister authorized and empowered by Congress to treat with all the Powers of Europe, and they had for this reason sent him orders to deliver the project to Mr. Franklin, but he supposed Mr. Franklin would consult his colleagues. The same information, I doubt not, has been given to the court of Portugal, and every other court in Europe, viz., that Mr. Franklin is alone empowered to treat with them; and in consequence of it, very probably, propositions have been or will be made to him from all of them, and he will keep the whole as secret as he can from Mr. Jay, Mr. Laurens, Mr. Dana, and me.†

Now, I beg to be informed by Congress whether he has such authority or not? Having never been informed of such powers, I do not believe he has them. I remember there was, seven years ago, a resolution of Congress that their commissioners at Versailles should have power to treat with other Powers of Europe; but upon the dissolution of that commission this authority was dissolved with it; or if not, it still resides in Mr. Deane, Mr. Lee, and myself, who were once in that commission as well as Mr. Franklin. And if it is by virtue of this power he acts, he ought at least to communicate with me, who alone am present. I think, however, that neither he nor I have any legal authority, and

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\*MSS. Dep. of State; 4 Sparks' Dip. Rev. Corr., 104, with verbal changes; 8 J. Adams' Works, 138.

†Franklin did not assume this authority, but reported to Congress that propositions for treaties had been made, and desired that authority to conclude them might be sent to him, or some other person. See on this subject, Rosencrone to Walterstorff, February 22, 1783; Franklin to Rosencrone, April 13; and to Livingston, April 15, June 12, and July 22, 1783. For the treaty with Sweden he had a special authority. See Boudinot to Franklin, August 15, 1783, *infra*, note.

therefore that he ought to communicate everything of this kind to all the ministers here or hereabout, Mr. Jay, Mr. Laurens, and myself, at least.

It is not from the vain wish of seeing my poor name upon a treaty that I write this. If the business is well done it is not of much importance in itself who does it.

But my duty to my country obliges me to say that I seriously believe this clandestine manner of smuggling treaties is contrived by European politicians on purpose that Mr. Jay and I may not have an opportunity of suggesting ideas for the preservation of American navigation, transport trade, and nurseries of seamen. But in another point of view it is of equal importance. This method reflects contempt and ridicule on your other ministers. When all Europe sees that a number of your ministers are kept here as a kind of satellites to Mr. Franklin in the affair of peace, but that they are not to be consulted or asked a question, or even permitted to know the important negotiations which are here going on with all Europe, they fall into contempt. It can not be supposed that Congress mean to cast this contempt upon us, because it can not be supposed they mean to destroy the reputation, character, influence, and usefulness of those to whom in other respects they intrust powers of so much consequence, and therefore I am persuaded that Congress is as much imposed on by it as the courts of Europe are.

I asked the Baron what was the substance of the treaty. He said his court had taken for a model my treaty with Holland. I said nothing to him in answer to this, but I beg leave to say to Congress that the negotiation with Holland was in very different circumstances. We were then in the fiercest rage of the war. A treaty with that Republic was at that time of as much weight in the war as the captivity of Burgoyne or Cornwallis. A treaty with any Power was worth a battle or a siege, and no moments of time were to be lost, especially in a country so divided that unanimity being necessary every proposition was dangerous. At present the case is altered, and we may take time to weigh and inquire. The Baron tells me that St. Thomas and St. John, two of their islands, are free ports, but that St. Croix, which is of more importance than both, is not; that foreign vessels, our vessels, are permitted to bring our produce, and carry away half the value in sugar, etc. The island produces, *communibus annis*, twenty thousand hogsheads of sugar, and their molasses is better than that of the French, because they make only "*sucres brutes*." He says they have some sugar-houses at Copenhagen. But notwithstanding this I think it is worth while for Congress to try if they can not by the treaty obtain a right to take away cargoes to the full value of those they bring. It is worth while to try, too, if we can not obtain a tariff to ascertain the duties to be paid in exportation and importation. It is worth while, too, to get the duties ascertained in the Danish ports in Europe; at least that we may not pay in their ports more than they pay in ours, or that our vessels may

not be obliged to pay more than theirs, especially when we import our own produce. I pretend not to be a master of these commercial subjects, but I think that Mr. Franklin has not studied the subject more than myself; that both of us want the advice of Mr. Laurens and Mr. Jay, and that all of us want that of American merchants, and especially of Congress. I am therefore against this secret and hasty method of concluding treaties at this time, when they may be more maturely reflected on.

I know very well to what ill-natured remarks these reflections are liable, but they shall not hinder me from doing my duty. I do sincerely believe there are clandestine insinuations going about to every commercial nation in the world to excite them to increase their own navigation and seamen at the expense of ours, and that this smuggling of treaties is one means of accomplishing the design, although Mr. Franklin may not be let into the secret of it; for, from long experience and observation, I am persuaded that one minister at least and his dependents would prefer that the navigation of any nation in the world, even that of the English, should grow, rather than ours. In the last *Courier de l'Europe* it is said that all the commercial powers are concerting measures to clip the wings of the eagle and to prevent us from having a navy. I believe it; that is to say, I believe measures are taken with them all to bring them into this system, although they are not let into the secret design, and do not know from whom the measures come nor with what views promoted.

With great regard, I have the honor to be, &c.,

JOHN ADAMS.

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J. Adams to Gerry.\*

PARIS, August 15, 1783.

MY DEAR FRIEND: I have heard no news with more pleasure than that of your design to go again to Congress, and nothing, I hope, has happened to divert you from your purpose. I have lost all my correspondents in Congress and know little what passes there. The journals are not sent, as I think they ought to be, regularly.

By a letter from Mr. Arthur Lee to my wife, I am informed that the committee had reported in favor of my resignation, and Mr. Lee thought I might depend upon the report being accepted. But it does not arrive here. We have now a prospect of signing the definitive treaty, in nothing variant from the provisional one, very soon, as the ratifications of the latter are already exchanged, and France, Spain, England, and America are agreed. The Dutch, I presume, will sign at the same time, but not with a good will. We have consented that the Imperial courts should sign, by their ministers, as mediators, but the English

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\* 1 Life of Elbridge Gerry, 374.

have not yet consented, and probably will not. We are ready to sign, with or without a mediation, as the English please. I believe the English have been endeavoring to persuade the French and Spaniards to sign without us and the Dutch. Never was there a more foolish project. The Comte de Vergennes absolutely refused. Here he showed he had more sense than they. This absurdity of the English is the more astonishing, as the Comte de Vergennes had said to Dr. Franklin and Mr. Hartley together, within three days after his arrival here, "Il faut que nous finissions tous ensemble." But they are become a blundering race. The doctrine they now set up is that the provisional treaty was to be, and will be of itself, a definitive treaty the instant the definitive treaty is signed with France, as it became a preliminary treaty when the preliminaries were signed with France. This doctrine may be true and just, but it is not the less expedient to have the solemnities and forms of a definitive treaty in our affair than in that of the other nations.

We have long foreseen that we should not obtain any additional advantages or further explanations in the definitive treaty from the present ministry. They have committed themselves in Parliament by disapproving the articles, and they stand upon so precarious ground that making the least concession further to us, without twice its value from us in exchange, would excite a clamor against them and cost them their places. Thus we have no choice left. We must finish as we began or not finish at all. Wait another session of Parliament and run all the risks which accompany delay at a time when the political horizon is very cloudy.

We have long since made to Mr. Hartley, and he has transmitted, a variety of propositions, but his principals have consented to none of them, and we have the best reasons to believe that this ministry never will, because such consent would lose them their places. Unhappily, when you reason with European ministers of state, you need be less anxious to inquire whether the measures are for the good of their country or not, than whether they are likely to preserve or forfeit their places.

If you send a commission to make a treaty with Denmark or Portugal, or any other power, without sending a minister to the court, I wish you would insert in it all your ministers in Europe, and give the power to all or any number, or any one, who may be upon the spot pointed out for the negotiation, exactly as you have provided in the commission for peace. This is of great importance, and is but exact equity. I think your method should be to resolve upon granting the commission, and then proceed to choose the ministers to be named in it, as you do in all other cases, and let them stand in the commission in the order as they are chosen. I expect myself the acceptance of my resignation, and therefore shall not in that case be one to be inserted, but Mr. Jay, Mr. Laurens, and Mr. Dana ought to be inserted, if they stay in Europe, if it is only to show respect to their characters and give

reputation to their names. If Mr. Laurens and Mr. Dana go home as well as I, Mr. Jay ought to be inserted, who is very able and very willing to serve you, and who in the present circumstances wants, as well as all your faithful ministers, all the support which Congress can give them. You will never have another honest minister trumpeted by the court where he is. Dr. Franklin alone is and will be trumpeted by the *commis* at Versailles and their tools.

Let me beg of you, my good friend, to write me, and order your letters to be delivered to Mr. Jay, and opened or burnt by him, as you please, in case I should be absent from Europe.

With great affection, your old friend,

JOHN ADAMS.

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J. Adams to Livingston.\*

PARIS, August 15, 1783.

SIR: France, England, Spain, and America are all agreed; but Mr. Hartley is sanguine that the treaty will not be signed, because, he says, the Comte de Vergennes does not mean to sign it. His reasons for this opinion I know not, and I think he is mistaken. It is very certain, however, that the French minister is embarrassed, and would not, perhaps, be sorry to find good reasons for postponing the signature for some time.

Congress may judge in some degree of the situation of things by the following conversation, which I had this morning with Mr. Brantzen, the ambassador extraordinary from the States General, to whom I returned the visit he made me yesterday, when I was abroad:

He told me "that he was as far, and indeed farther than ever, from an agreement with the Duke of Manchester. He had given up," he said, "all pretensions to a compensation for the unjust damages of the war, and he had in a manner waived his claim of the restitution of Negapatnam. But the Duke of Manchester now insisted peremptorily upon not only all the ancient salutations from the Dutch flag to the English, but upon an unlimited liberty of navigation in all the seas of the East Indies. He had despatched an express to the Hague the day before yesterday, who would arrive to-day, but the grand pensionary was sick, and the States of Holland not sitting, so that there must be some time before he could have an answer. Concerning the salutes to the flag there would be different opinions, but they would be all of a mind against the liberty of navigation in the Indies. He could not, therefore, expect from their high mightinesses permission to sign, and the Comte de Vergennes would be embarrassed. All the other Powers were ready, and to make them wait would raise a cry.

"To sign without Holland would raise a terrible storm in Holland,

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\* MSS. Dep. of State; 4 Sparks' Dip. Rev. Corr., 107, with verbal changes; 8 J. Adams' Works, 141.

against the Comte, and no small one in France. And even if the States should authorize him to sign a shameful peace, this would raise no less clamor in Holland and France against the Comte. He will, therefore, not know what to do, and will seek to postpone; for the parties of the Marquis de Castries and of M. de Breteuil will take advantage of every clamor against the Comte, as these parties wish M. de Breteuil in his place. I am persuaded, therefore, that the Comte himself looks upon his own situation as very hazardous. It has been so a long time. It was his instability in his place that made him sign the preliminaries, for money to carry on the war could not be obtained without M. Necker, and M. Necker would not come in with the Comte, as they were and are sworn enemies to each other. He was, therefore, reduced to the dilemma to make peace or go out. I have good reasons to believe that the Maréchal de Castries disapproves of the Comte's conduct towards our Republic. He certainly deceived me. The States-General did very wrong to bind me to leave so much to the French minister, but I thought him an honest man, and that I could trust him, so I left things to him according to my instructions, depending on his word, and at last I found myself the dupe. No, not a dupe, for I am always upon my guard not to be a dupe. But he deceived me, and when one whom I have reason to believe an honest man deceives me I can not call myself a dupe, for I can do no other than believe an honest man when he gives me his word."

In several of your letters, sir, you have insisted on my reciting to you my conversations with foreign ministers. You must not esteem them infallible oracles. They are often mistaken in their facts and sometimes wrong in their reasonings. But these sentiments of M. Brantzen are of so much importance that I thought proper to recite them. It will, indeed, be necessary for your foreign ministers to be more inquisitive than we have been, and to transmit to Congress more information concerning the intrigues of courts than we have done. If the Maréchal de Castries, and M. de Breteuil, who is now in the Council, and M. Necker are not friends to the Comte de Vergennes—and all the world here agree they are not—Congress ought to know it. Although I would have so much respect to the Queen as not to name her majesty upon unnecessary occasions, yet upon this, when she is sister to the Emperor, and the question at court is whether there shall be a war with her brother, it is obviously a matter of so much importance as to make it a duty to communicate to Congress her sentiments, which all men here agree are favorable to de Castries and Breteuil, but not partial to the present minister of foreign affairs. I said in a former letter if this minister continues there will be war; but I am told by some if there is war he can not continue, for neither he nor his friends can raise the money. M. de Rayneval, however, affirmed positively to Mr. Hartley that nothing but death could remove the Comte.\*

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\* This affirmation was verified. The Comte de Vergennes continued in the ministry till his death, which happened Feb. 13, 1787.—SPARKS.

All these things show the critical and uncertain constitution of this court, and the uncertainty when the definitive treaty will be signed, notwithstanding that four Powers are agreed, and therefore I can give Congress no clear information upon that head. This is a great chagrin to me both on account of the public and myself, because I am as uncertain about my own destiny as that of the public.

With great respect, I have the honor to be, &c.,

JOHN ADAMS.

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Boudinot, President of Congress, to Franklin.\*

PRINCETON, August 15, 1783.

SIR: I had the honor of your favor of the 17th March, enclosing the treaty between the United States and the King of Sweden, the ratification whereof has been retarded for want of nine States present in Congress. This act has now taken place, and I am honored with the commands of Congress to transmit it to you for exchange, which I now have the pleasure of doing, and hope it will meet with a safe and speedy conveyance.

On revising the treaty a manifest impropriety struck Congress in the title of the United States, being called of *North America*, when it should have been only *America*; and also in the enumeration of the different States, wherein the Delaware State is called the Three Lower Counties on Delaware. As there is no such State in the Union, Congress were at a loss how they could ratify the treaty with propriety, unless they should alter the transcript, which might be liable to many exceptions; they have therefore, to avoid all difficulties, passed a separate resolve, empowering you to make the necessary amendments. A certified copy of this resolution I do myself the pleasure to enclose.

Congress are entirely at a loss to account for the silence of their commissioners at Paris since February last, being without any official information relative to the treaty with Great Britain since that time.

I had the honor of writing you very fully on the 15th July last, giving the reasons for our removal to this place at length, which I hope got safe to hand.

Congress having determined not to fix the place of their permanent residence till the first Monday in October next is the reason of deferring the appointment of a Minister for Foreign Affairs till that is done.

I have the honor to be, &c., &c.,

E. B.†

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\* MSS. Dep. of State.

† EXTRACT FROM THE SECRET JOURNAL OF FOREIGN AFFAIRS.

JULY 29, 1783.

Congress took into consideration a treaty of amity and commerce, concluded between the King of Sweden and the United States of America, signed at Paris on the



AUGUST 17, 1783.

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Franklin to Vergennes.\*

PASSY, August 16, 1783.

SIR: I have the honor to inform your excellency that the English ministry do not agree to any of the propositions that have been made either by us or by their minister here; and they have sent over a plan for the definitive treaty, which consists merely of the preliminaries formerly signed, with a short introductory paragraph and another at the conclusion, confirming and establishing the said preliminary articles. My colleagues seem inclined to sign this with Mr. Hartley, and so to finish the affair.

I am, with respect, sir, your excellency's, &c.,

B. FRANKLIN.

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Dana to Livingston.†

ST. PETERSBURGH, August 17, 1783.

SIR: Before I received your letter and the resolution of Congress founded upon my letter of the 23d of September last, permitting my return to America, finding it impracticable to support myself upon my appointment for the time I expected to be detained in negotiating a treaty of commerce, I had written to Messrs. Willink and other bankers of the United States in Holland to give me a credit here for a sum not exceeding one thousand pounds sterling on account of the United States, engaging at the same time to be responsible for it, if Congress should refuse to allow it. Over and above this I had applied to my bankers in this city to advance me six hundred pounds sterling on my private credit, which I found it would be necessary for me to expend for such household furniture only as is not included in what they call here

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3d day of April last, and the same was accepted and ratified, nine States being present, in the manner following:

*The United States of America in Congress assembled to all who shall see these presents greeting:*

Whereas, by our commission, dated at Philadelphia, on the twenty-eighth day of September, 1782, the honorable Benjamin Franklin was invested with full power, on the part of the United States of America, to concert and conclude with a person or persons equally empowered on the part of his majesty the King of Sweden a treaty of amity and commerce, having for its basis the most perfect equality, and for its object the mutual advantage of the parties, we promising in good faith to ratify whatever should be transacted by virtue of the said commission; And whereas our said minister, in pursuance of his full powers, did at Paris, on the 3d day of April, in the year of our Lord one thousand seven hundred and eighty-three, with Count Guzman, &c., minister plenipotentiary, &c., of Sweden, conclude and sign a treaty of amity and commerce in the words following, to wit, etc.—Note to Boudinot's letter of Aug. 15, 1783.

\* 2 Sparks' Dip. Rev. Corr., 479; 8 Bigelow's Franklin, 324.

† MSS. Dep. of State; 4 Sparks' Dip. Rev. Corr., 733.

a furnished house. Such a one I just was upon the point of engaging for six months, at the rate of sixteen hundred roubles a year, when your letter came to hand.

But as the object of negotiation above mentioned is not thought by Congress to be worth pursuing at this time, I thought it would be most advisable for me to disengage myself from the extraordinary expenses, and to improve the convenient opportunity which now offers to take my passage from this port for Boston without waiting for the conclusion of the definitive treaties of peace, merely to take an audience of her Imperial majesty; especially as I doubted whether Congress would approve of my incurring them, after I had received their permission to return, and found that they had no particular object of negotiation in view at this court. Besides, I saw if I had an audience of her majesty, it would not do for me to leave the court abruptly, or before the next spring, and that in consequence of it I should not be able to arrive in America till nearly the expiration of another year. I therefore wrote to the vice-chancellor, as you will find by my last, to inform him of my intention to return to America. Further to explain the motive of Congress, as well as my own respecting this measure, I wrote him again on the 14th instant as follows:

To Count OSTERMANN:

SIR: Lest the motive of the Congress of the United States in granting me permission to return to America, as mentioned in the letter I did myself the honor to write to your excellency on the 8th instant, might be misapprehended, I beg leave to inform you that finding my health had suffered greatly since coming into this climate and my private affairs urging it upon me at the same time, I wrote to the Congress in September last acquainting them with my desire to return to America. It was in consequence of this alone they have been pleased to grant me that liberty.

Those causes, but especially my ill state of health, operating with greater force at this day, oblige me to improve the earliest occasion to return to America, and one now offering from this port I have proposed to take the benefit of it. But independent of such considerations, which are merely personal, as I have not yet been acknowledged in my public character, it appears improper for me, after having received the above-mentioned act of Congress, to ask an audience of her Imperial majesty for the purpose of assuming it, and when, too, if I should do it, I must immediately after ask an audience of leave. These reasons I hope will excuse my retiring in a private character, as I have hitherto remained here. Highly sensible of the honor I should derive from being the first minister from the United States of America at this Imperial court, it is with infinite regret I feel myself under the necessity of departing without having assumed that character. If your excellency should judge it expedient, I will do myself the honor to wait upon you in order to give you further explanations upon this subject verbally than I have done in writing.

I have the honor to be, most respectfully, your excellency's most obedient and humble servant,

FRANCIS DANA.

In consequence of the above letter I received a message from the vice-chancellor on the 15th, by one of his secretaries, acquainting me that he should be glad to see me at his house in the country the next morn-

ing. When I waited upon him accordingly he said he had received my two letters respecting my departure for America, assigning the ill state of my health as the occasion of it, that I was already well informed of the time her Imperial majesty had fixed for my reception, and of the reasons which influenced her in that respect, and that she could not make any change in it; that if my health did not permit me to wait for the event, in such a case it lay wholly with me to return. I told him the cause which I had mentioned was the true cause, that my health was in such a state last fall when I wrote to the Congress, that I should not have remained over the winter, but from an expectation that every thing would have been settled during the winter, so that I might have had an audience of her majesty, and been ready to return to America early in the spring, by which time I expected to have received the permission of the Congress, that I wished only to have the matter properly understood, that the permission of the Congress was not owing to any transactions which had taken place here.

He then asked if I had received any answer from the Congress since the communication of my mission. I replied, none at all; that if he would be pleased to attend to dates, he would see it was impossible; that my communication was made on the 24th of February, that the permission of the Congress was dated on the 1st of April, between thirty and forty days after; that the greater part of that time my letter containing the account of it must have been on its way to Paris; that if my letters reached them in two or three months it was very well; that six months, sometimes nine, as was the present case, elapsed before I could receive any answer from America, and that I did not receive her majesty's first answer till nearly two months after the communication.

He seemed to be perfectly satisfied with this account, and said he was very sorry my health would not permit me to remain here, that he should have been very happy to have had the honor of seeing me in my public character. I expressed again the great regret with which I should depart, especially after having resided so long in the country without having had an audience of her Imperial majesty, which I should have deemed the highest honor of my life. I told him so convenient an opportunity now offering directly from hence for Boston, I thought I ought not to omit improving it, that if I should, I should be detained in the country through the next winter; for I could not think it would be proper to depart sooner, after taking an audience of her majesty, to which he seemed to assent. He said, perhaps, after I had recovered my health, I might return again, when he should be very happy to see me, &c. I thanked him for his politeness, and we parted without the least apparent dissatisfaction. Yet I am persuaded that they had much rather I should remain, because they have their apprehensions that Congress may resent the postponement of my audience to the conclusion of the definitive treaties of peace; an event which they

must know can operate no change in the political existence of the United States.

I thought it best to put the permission upon its true ground, and my speedy departure upon the ill state of my health; because this would not in the least engage Congress, but leave them at perfect liberty to send another minister at this court or not, as they shall judge expedient, all circumstances considered. It is clearly my opinion since Congress decline being at the expense of concluding a commercial treaty with her majesty, that the supporting a minister here has become a matter of much indifference to our interests. The interests of this empire are much more in the power of the United States than theirs are in the power of this empire. Should we vigorously adopt the cultivation of hemp, and our territories along the Ohio are exceedingly well adapted to it, we should strike at the foundation of the commerce of this empire, and give her majesty reason to repent at leisure of the line of conduct she has chosen to hold with the United States.

I have the honor to be, &c.,

FRANCIS DANA.

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Franklin to Laurens.\*

PASSY, *August 21, 1783.*

DEAR SIR: I do not doubt but you have written to some one or other of your colleagues since your arrival in England, and as we have heard nothing from you, I thought it necessary by a line to inform you that none of your letters are come to hand.

After making and sending over many propositions of ours and of Mr. Hartley's and long delays of answers, it is come finally to this, that the ministers propose our signing, as a definitive treaty, the preliminary articles, with no alterations or additions except a paragraph of preamble setting forth that the following articles had been agreed to, and a concluding paragraph confirming them. Thus I suppose the affair will be concluded.

Wishing health and happiness to you and yours, I am ever, with sincere and great esteem, dear sir, &c.,

B. F.

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Morris to Gerry.†

OFFICE OF FINANCE, *August 26, 1783.*

SIR: In compliance with your request I shall not only give the information which appears to have been the object of Mr. Clarke's letter, but recapitulate also the observations which I had the honor to make on

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\*MSS. Dep. of State.

†MSS. Dep. of State; 6 Sparks' Dip. Rev. Corr., 633, with verbal changes.

what you mentioned as the object of the committee. And first, for the information desired, I can answer only in general terms that I believe the various engagements entered into previous to the end of the year of 1781 were under the faith of requisitions then existing. Since that period I know of only two requisitions for current service, both of them founded on estimates. The first was of eight millions for the service of 1782, and the second was of two millions, for part of the service of 1783. All the engagements of my administration are on the faith of these latter requisitions.

The first object you mention was to alter the mode of settling accounts so far as the requisitions previous to 1781 are concerned, and only to calculate the actual payments or advances by the States, with the interest, so that the whole being formed into one sum may be afterwards apportioned among the States. To which plan, among other objections, I took the liberty to state the following: First, there is no evident necessity for taking this step, and therefore it will be prudent to omit it, because in such cases government risk every unforeseen danger that may result, and always render their affairs more complicated; secondly, the measure may be misunderstood and occasion clamors, which will indispose some to adopt the other measures recommended by Congress; which objection, though it ought not to weigh in competition with what is evidently *proper and right*, must nevertheless be attended to in things of more doubtful complexion; thirdly, there would arise from it a degree of *irregularity*, for the particular accounts being now all opened in the treasury books by the authority of the late board of treasury, it appears most natural to continue them in their present form until the final settlements; fourthly, all the information necessary to enable Congress to decide on the accounts when settled will then be in their power, for the accounts will contain on one side the compliances of the States with the requisitions, together with all other advances which they have made for the public service, and on the other side will be the amount of the various requisitions. Whenever, therefore, Congress, on such full view of the subject, shall think proper to remit the whole or any part of the requisition, entries will be made in the treasury books accordingly; fifthly, it would be rather premature to make the decision proposed before (by a settlement of accounts) all the proper materials are brought into view, and until the States have adopted the proposed measures for funding the public debts; because, sixthly, it is conceived that the various requisitions were adequate to the necessary service, and that, although it may perhaps be wise eventually to convert the whole expenditure of the war into the form of a debt in order thereby to prevent the disputes which might arise on the apportionments, still it must be remembered that this step cannot be taken until funds are obtained. Until that period, therefore, it is perhaps as well to leave the requisitions, if it be only to show the States why they are called on for revenues now, viz., because they would not or could not furnish sup-

plies before ; but, lastly, it might prove dangerous under present circumstances to take any step whatever with these requisitions. Only partial compliances have been made. Some States, therefore, adhere to some requisitions and some to others, according to the real or supposed situation of their accounts. To go no farther, it would hardly be prudent to hazard a dispute with Massachusetts by relinquishing the requisitions of March, 1780, or with some other States by a useless attempt to enforce them.

The other object, sir, which you appeared to have in view is to relinquish so much of the requisitions since 1781 as might leave only the sum necessary for fulfilling present engagements. Now, although the resolution which seems to have been in contemplation would not have had this effect (because the requisition for the service of 1782 was made on estimates), yet I shall assign a few objections to the plan. The reason urged in favor of it is that the demand was so much beyond the abilities of the States and the necessities of the service that it must excite a despair of compliance and a diffidence in the prudence of those by whom it was made. To which it may well be replied that the ability of the States is not so hastily to be decided on, because it has never been put to the proof by prudent and vigorous taxation, because other countries not so wealthy bear much heavier taxes without inconvenience, and because these very States have borne it, though under another name—for the depreciation of the paper money, which wiped away not less than twelve millions annually, was in effect a tax to that amount.

But further, even admitting the supposed inability, still the requisition (if not excessive as to its object) ought of necessity to have been made, because the States could by no other mode of reasoning be convinced of the necessity of establishing that credit which can alone prevent such great efforts, and because, if such requisitions had not been made, some branch of service must have been left unprovided for by Congress on the very face of their own measures, which would have been a palpable absurdity.

And this leads to the second point, viz., that the demand was beyond the necessities of the service. Before this position is assumed, it must be considered not only what expense was actually paid, but also what was probable when the demand was made, and what of the expense incurred still remains due. And first, as to what was paid, we shall find that the military collections in the southern States went to a considerable sum, which is not yet brought into the public accounts, as there was no money to defray it, owing to the non-compliance of the States. Secondly, the probable expense was far beyond the actual, because of the misfortunes of our allies, which rendered it necessary to lay aside the proposed offensive measures, and which could not, if not laid aside, have been carried into effect, by reason of the lamentable deficiencies of the public revenue. And thirdly, a very considerable part of the expense of 1782 is necessarily paid in 1783, and a far more

considerable part remains unpaid. For instance, almost the whole amount of the pay of the army; an army by no means so numerous as that which the General had called for and Congress resolved on. And it would have been indeed very strange if Congress had asked only five millions from the States, including therein every other article but the pay of the army, on whose exertions everything depended.

Having said thus much on what has been assumed with respect to these estimates, and which I can defend the more hardily, as by accident they did not pass through my office, I proceed now to state the objections against remitting them. And first, let it always be kept in view that the States not having granted the funds necessary for securing to our army the interest of their dues, that army has a just right to insist that the requisition for the principal be not relinquished until such grants be made. Secondly, it must be remembered that Congress have not yet any standard for making a final apportionment, and therefore it must be very useless now to touch requisitions which must speedily be retouched again. Thirdly, the States which have complied more fully than others would undoubtedly, in such case, relax from and perhaps totally withhold their efforts, from a conviction that deficient States would always be able to obtain from Congress a vote favorable to themselves, and consequently unfavorable to others; which idea, grounded too much on past experience, is one great cause of that inattention which led us to the brink of ruin. Fourthly, this mischief would not only arise among the States, but it would exist also amidst and within them, for a relaxation of the whole quota would naturally render new interior apportionments necessary. Not to mention the delays and disputes thereby occasioned, the remainder of what would then be to pay would be thrown of course upon remote counties, where the powers of government are weak, the collections languid, and the revenue in every respect feeble and unproductive. Great deficiencies would arise from these causes both in the periods and the amount of payments, and either would be sufficient to cause another national bankruptcy. But, fifthly, there can be no reason for the measure proposed, because it is much more simple to leave the present demands for ten million dollars upon their present footing, until the apportionment of that whole sum can be made *finally* to pay (from whatever is brought in) the amount of all existing engagements, to go on (should collections be sufficient) and pay off a part of our debts, and finally, to make no new requisition until these be completely complied with; by that period Congress will be able to decide with accuracy on the sums necessary for annual service; they will be able to apportion their demands accordingly, and (what is of infinite importance) they will have set one example of persisting regularly in a measure until a full and final compliance.

I am, sir, respectfully, &c.,

ROBERT MORRIS.

**Rayneval to Franklin.\***

[Translation.]

VERSAILLES, *August 29, 1783.*

SIR: I have informed the Count de Vergennes of the difficulty which Mr. Hartley has made to signing at Versailles, and this minister has directed me to say, that nothing ought to prevent your signing at Paris on Wednesday next, the day proposed for the signature of the other treaties; but I request you to fix the hour with Mr. Hartley at nine o'clock in the morning, and to send here an express immediately after your signature is completed.

M. de Vergennes is desirous of being informed of the completion of your labors at the same time with his own. You receive for Wednesday a note of invitation, as well as for your colleagues and Mr. Hartley. I presume that the latter will make no difficulty.

I have the honor to be, sir, with perfect consideration, your most obedient servant,

DE RAYNEVAL.

**Hartley to the Peace Commissioners.†**

PARIS, *August 29, 1783.*

GENTLEMEN: As the day is now fixed for the signatures of the definitive treaties between Great Britain, France, and Spain, I beg leave to inform your excellencies that I am ready to sign the definitive treaty between Great Britain and the United States of America whenever it shall be convenient to you. I beg the favor, therefore, of you to fix the day. My instructions confine me to Paris as the place appointed to me for the exercise of my functions; and, therefore, whatever day you may fix upon for the signature, I shall hope to receive the honor of your company at the *Hôtel de York*.

I am, gentlemen, with the greatest respect, yours, etc.,

DAVID HARTLEY.

**Adams, Franklin, and Jay to Hartley.‡**

PASSY, *August 30, 1783.*

The American ministers plenipotentiary for making peace with Great Britain present their compliments to Mr. Hartley. They regret that Mr. Hartley's instructions will not permit him to sign the definitive

\* 2 Sparks' Dip. Rev. Corr., 480.

† MSS. Dep. of State; 5 Sparks' Dip. Rev. Corr., 535.

‡ MSS. Dep. of State; 5 Sparks' Dip. Rev. Corr., 536.



treaty of peace with America at the place appointed for the signature of the others. They will, nevertheless, have the honor of waiting upon Mr. Hartley at his lodgings at Paris, for the purpose of signing the treaty in question on Wednesday morning at eight o'clock.

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Carmichael to Livingston.\*

ST. ILDEFONSO, August 30, 1783.

SIR: On the 19th, 22d, and 29th ultimo and the 2d of this month, I had the honor to address you from Madrid. On the 5th instant I followed the court to this place, where it has been since the 24th of the last month.

I took the earliest opportunity of waiting on his excellency the Count de Florida Blanca, to remind him of his promise to present me to the King and royal family, and of other affairs interesting to individuals mentioned in former letters, for which I had been obliged to apply to him. He gave me the strongest assurances of his desire to terminate, to the satisfaction of the parties interested, the affairs in question, imputing to other departments the delays I had experienced in their adjustment. On the subject of my presentation, he seemed much embarrassed, stating the difficulties he should be exposed to in procuring that honor for me, which his majesty refused to others vested with the same character, mentioning the case of the *chargé d'affaires* of Denmark, a copy of whose letter to this minister on the subject of his presentation I had the honor to enclose you the 25th of June. He observed that the Russian and Swedish ministers were about to leave the court, and would, if I was presented, insist on the presentation of their secretaries also.

I begged leave in reply to assure his excellency of the concern it gave me to expose him to the least inconvenience upon that account, but that he would be pleased to recollect the promise he had made to the Marquis de la Fayette and myself in writing on this subject; that copies of the letter which the Marquis de la Fayette had written to him and of his excellency's answer had been transmitted to Congress; that that body, from the confidence which they had in his Catholic majesty's amicable disposition, of which his excellency had been so often the interpreter, undoubtedly expected that I had long ago been presented; that, in consequence of his excellency's assurance to me at various times since the transmission of the copies of the letters before mentioned, I had confirmed my constituents in this belief; that, this being the case, it would be improper for me to go to court until I should receive their instructions on the subject. I added that I hoped his

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\* MSS. Dep. of State; 5 Sparks' Dip. Rev. Corr., 134, with verbal variations and omissions.

excellency knew me too well to suppose that I was influenced by any personal considerations in this affair. He interrupted me with assurances [of his belief]\* to the contrary, and that he would do everything in his power to give me satisfaction, telling me to call upon him in a few days, when he would acquaint me with the result of his endeavors. Thus ended our first conference.

Not to appear too urgent, I avoided speaking to him on the subject until ten days ago, although I had occasion to see him several times. But hearing that the British minister was on the way to Madrid I thought it proper to bring this matter to a decision before his arrival and presentation; for which purpose I again waited on the minister. I soon discovered that he was in ill-humor; however, as he immediately commenced the conversation by telling me that he had not yet found an opportunity of speaking to the King, I prayed his excellency to recollect the time which had elapsed since he had been pleased to tell me that I should be presented and recapitulated the reasons before mentioned. He interrupted me several times, telling me how much he had been persecuted by Mr. Elfried and the Russian minister, who espoused the interests of that *chargé d'affaires*, adding, with warmth, "That gentleman will never be presented, unless to take leave and receive his present." I replied that his excellency would do me the justice to own that I had been by no means importunate; that it was not my intention to be so, and that nothing but my duty, joined to my particular desire to cultivate a good understanding between our two countries, made me now press him for an explicit answer. He told me that he was convinced that I did not wish to embarrass him, but observed, with some peevishness, ——— as Mr. Elfried is by the Russian. He cites precedent, and you have none.

I answered that I flattered myself his excellency had too good an opinion of me to suppose that I needed a prompter when either the honor or interests of my country were in question; that, as for precedent, part of my business with his excellency was to establish one for such of my countrymen as the United States might hereafter send to Spain in the same character in which I had the honor to be employed, adding that I had more confidence in his excellency's word than in all the precedents the book of etiquette of the court could furnish me; and that to give him a farther proof of my unwillingness to embarrass him, I did not insist on my presentation, but on an explicit answer from his excellency, of which I might immediately send copies to Congress, not only for my own justification, but also to enable that body to decide the manner in which *chargé d'affaires* from the court of Spain should be treated by the United States. He seemed pleased with the reliance placed on his word, for he instantly told me that he would speedily give me an explicit answer and that I should see that he was a man of his word; that he wished, from respect to the States and

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\* Passage in brackets not in Sparks' ed.

personal regard for myself, to procure me an advantage which was denied to others, but that he was afraid his Majesty was (to make use of his own expression) *trop entêté* on this point. He then asked me for a copy of the translation of the letter from Congress to the King. I had it with me. This is the third copy which I have given to his excellency. We left his apartment, as he was then going to the King. In the antechamber he again repeated aloud in Spanish [to me], before thirty or forty persons who were waiting to pay him their court, that I should find him a man of his word and that I should have an explicit answer. I took my leave, assuring him that it was all I desired.

I presume that he took his majesty's orders thereon the same day, for the next he sent me a polite message, desiring me to come to his house. Having waited on him, agreeably to his request, on my entry he took me by the hand, and told me that he hoped I would now be satisfied, for that, on conferring with the King, his majesty had been pleased to fix a day for my presentation; that no one felt more sensibly than himself the happy conclusion of this affair, as well on account of his desire to show every possible respect to the United States, as from his esteem for me. That the King, contrary to his expectations, had consented to change the etiquette with respect to me on this subject [*por acto extraordinario de real benevolencia*],\* "an extraordinary act of royal goodwill," and that he hoped that his conduct on this occasion would convince Congress of his majesty's intentions to cultivate in a particular manner their amity. I expressed, in reply, the sense which I knew my constituents would have of this proof of the King's amicable disposition, and of my gratitude to his excellency for the obliging interest which he took in what regarded me personally, assuring him that I would take the earliest opportunity of transmitting to Congress this additional proof of his majesty's desire to cultivate their friendship, and of his excellency's manner of fulfilling his sovereign's intentions. I then asked him on what day the King chose to receive me; he answered, the day after to-morrow (the 23d instant). I expressed some concern that the ambassador of France, then at Madrid, would not return before the time appointed for my reception. He replied that the King having named the day, no alteration could take place. To this I was obliged to acquiesce. His excellency then made me many professions of personal regard, which it is unnecessary to repeat, and which, perhaps, I should not even hint, if the French ambassador, the Marquis de la Fayette, and others had not been witnesses on former occasions to similar assurances. I proceeded to mention to his excellency the different objects on which I had heretofore addressed him, and prayed him to give me an opportunity, at the same time that I informed Congress of my presentation, to advise them also of the happy termination of these. He begged me to pass him offices again on these points, and assured me that I should receive such answers as would be agreeable

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\* Passage in brackets not in Sparks' ed.

and satisfactory to the States. He continued to speak to me in an open and friendly manner of the obstacles which a well-intentioned minister had to encounter in the execution of his measures in this country.

I paid him indirect compliments on what I know to be his favorite projects, viz., the improvement of the roads, the protection and encouragement of manufactures, etc., and the changes which he meditates in the system of finance and commerce, and after continuing with him some time longer, was about to take my leave. He asked me whom I had left in the ante-chamber; on mentioning the names of the persons, he requested me to remain with him, observing that he should be plagued by these gentlemen. During my stay the conversation rolled on different subjects, in which I received every proof of candor and politeness. The same evening I informed the ambassador of France by letter that the King had consented to my being presented, a circumstance on which he had always entertained doubts, although he has ever done every thing in his power that could be expected from his public and private character to contribute to the success of our negotiation. Perhaps some expressions on the part of Congress, testifying their sense of zeal which this nobleman has manifested to further their interests, may be ultimately productive of good effects at the court of Versailles, if not here.

On the day appointed for my presentation I waited on his excellency, the Count de Florida Blanca, and from his house, accompanied by his servant, whom he had the politeness to send with my own, I paid my visits to the principal officers and ladies of the palace. This ceremony finished, I went to the King's apartments where the minister appointed me to meet him. When his majesty arose from table, his excellency presented me as *chargé d'affaires* of the United States. As I had been informed that the King doth not love long harangues, I contented myself with expressing to his majesty my happiness in being the first of my countrymen who had the good fortune to assure him of their desire to cultivate his amity. He answered me in a gracious manner, and with a smiling countenance, saying that he hoped I should have frequent occasions of making him the same assurances. He then passed into the audience chamber for the ambassadors and ministers, where, as several of them have informed me, he was pleased to speak favorably of me.

The royal family dining at the same hour and separately, and the same etiquette being observed, viz., the presentation after dinner, it required some days to finish this business; the Count de Florida Blanca accompanying me more than three quarters of an hour each day, with a politeness and good nature rarely found in men who have so many important occupations in their hands. The Prince of Asturias spoke of me during the dinner as of a person he had long known, and when I was presented he told me so. The Princess, who was present, spoke to me six or seven minutes in French and Spanish, and among other

things said to me that I ought to like Spain, because she had been told that I was much esteemed by the Spaniards. I replied that the only title I had to their esteem was my well-known regard for the nation. The other branches of the royal family received me equally well.

It perhaps may be thought that I have dwelt too long on these minute details, but I hope I shall be excused when it is considered that this is the first presentation of a servant of the States at this court, and that it has already made some noise among the *corps diplomatique*, who think themselves entitled to the same privilege which I have obtained. As soon as the *chargé d'affaires* of Denmark was advised of my presentation he came hither. The enclosed note to the minister, of which I found means to obtain a copy, will serve to show you in what light his court regards this preference.

The ceremonial of my presentation being finished, I waited on his excellency the Count de Florida Blanca, to thank him for his obliging attentions in the course of it, and took that opportunity of insinuating to him the propriety of his Catholic majesty's immediately naming a minister to the United States. I had touched on this subject formerly. He told me that he would speak to his majesty and inform me of his intentions. [He has since acquainted me that the King has made choice of the Chevalier Musquir, son of the Count de Qousa, minister of finance. He is not more than 24 years old, now in London to perfect himself.]\*

I have the honor to be, &c.,

WILLIAM CARMICHAEL.

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Washington to Morris.†

ROCKY HILL, August 30, 1783.

SIR: I take the earliest opportunity of informing you that Baron Steuben has returned from Canada, without being able to accomplish any part of the business he had in charge. In consequence of which, and of the late season of the year, I have judged it impossible to take possession of the western posts this fall and have ordered a stop to be put to the movement of troops and stores and to the preparations which were making for that purpose of which I have given notice to the quartermaster-general and to the contractors, and have taken every other precaution in my power to prevent the accumulation of unnecessary expenses.

I am, &c.,

GEORGE WASHINGTON.

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\* Passage in brackets not in Sparks' ed.

† 6 Sparks' Dip. Rev. Corr., 642.

Franklin to the President of Congress.\*

PASSY, August 31, 1783.

SIR: After a continued course of treating for nine months, the English ministry have at length come to a resolution to lay aside, for the present, all the new propositions that have been made and agreed to, their own as well as ours; and they offer to sign again, as a definitive treaty, the articles of November the 30th, 1782, the ratifications of which have already been exchanged. We have agreed to this; and on Wednesday next, the third of September, it will be signed, with all the definitive treaties, establishing a general peace, which may God long continue.

I am, with great respect, &c.,

B. FRANKLIN.

J. Adams to the President of Congress.†

PARIS, September 1, 1783.

SIR: Wednesday, the third of this month, is appointed for the signatures of the definitive treaties of peace. Unable to obtain any addition or explanation, we have been obliged to agree to sign the provisional articles over again, with only a preamble making them a definitive treaty. No regulation of commerce is agreed upon, and indeed we have no commission or authority to make any. We have thus lost seven or eight months of our time.

When the definitive treaty shall be signed I suppose our commission for peace will be executed. I expected long before this to have received my letter of recall to their high mightinesses and to the Prince of Orange, in which case I should now have been at liberty to re-embark for America, but as it is not arrived, I cannot with entire decency to Congress, or to the States-General, or to the Prince force myself away, and a letter of recall will not probably now arrive until it will be too late for a fall passage, so that I shall be necessitated to undertake another winter voyage or wait until spring.

I beg leave to recommend Mr. Thaxter, the bearer of this, and of the definitive treaty to Congress. He is descended from several of the most ancient and honorable families in the Massachusetts. He has had the best education which our country affords. He has been now more than five years in the public service, and without the least reward, all that has been allowed him not having been enough for his necessary expenses. He is exceeded by no one in industry or fidelity, is not deficient in address, and is well acquainted with the French language, nor ignorant of the Dutch, and has a just view of our foreign affairs. If Congress

\* MSS. Dep. of State; 2 Sparks' Dip. Rev. Corr., 480.

† MSS. Dep. of State.

has occasion for a secretary of legation and *chargé d'affaires* in any part of Europe, I am persuaded they will not be able to find a man better qualified for the place or who has a better title to it in point of merit.

With the greatest respect, I have the honor to be, sir, your most obedient and most humble servant,

JOHN ADAMS.

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Morris to Washington.\*

OFFICE OF FINANCE, *September 2, 1783.*

SIR: I received your excellency's favor of the 25th and 30th of last month. The latter was by far the more agreeable, for I confess to you, sir, that I beheld the attempt to garrison the western posts with pain, and went into so much of it as concerns my department with infinite reluctance. I persuade myself that the only effectual means of getting a good American establishment of any kind is to be so long without it that a sense of the want shall stimulate the States into the means of forming it. At present all we can do is to close the past scene, if possible, with reputation.

I am, very sincerely, &c.,

ROBERT MORRIS.

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J. Adams to Gerry.†

PARIS, *September 3, 1783.*

MY DEAR MR. GERRY: The third of September will be more remarkable for the signature of the definitive treaties than for the battle of Naseby or Worcester, or the death of Oliver Cromwell. We could obtain no alteration from the provisional articles. We could obtain no explanation of the articles respecting the tories, nor any limitation respecting the interest or execution for debts. I am, however, less anxious about these things than others.

Our first object is to secure the liberties of our citizens in the separate States. Our second, to maintain and strengthen the Confederation. Our third, to purge the minds of our people of their fears, their diffidence of themselves, and admiration of strangers; and our fourth, to defend ourselves against the wiles of Europe. My apprehensions of the importance of our foreign affairs have been much increased by a residence of five or six years in Europe. I see so much enmity to the principle of our governments, to the purity of our morals, the simplicity of our manners, the honest integrity and sincerity of our hearts, to our contentment with poverty, our love of labour, our affection for liberty and our country; I see so many proofs of their hatred of all this and of their dread of it, both as a dangerous example among their own cor-

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\* 6 Sparks' Dip. Rev. Corr., 642.

† 1 Life of Elbridge Gerry, 381.

rupted, debauched subjects and as a sure and certain source of power and grandeur; I see so many artifices practised to debase everybody you send or who comes to Europe: so many practised by them in America itself, hidden, covered up, disguised under all shapes; and I see they will ever have it in their power to practise so many of these arts and to succeed to such a degree, that I am convinced no pains or expenses should be spared to defend ourselves.

But how shall we defend ourselves? We cannot refuse to receive foreign ministers from sovereign powers. Shall we recall all our own ministers from Europe? This is a serious question. I confess I am for the affirmative, and would give my voice for recalling every one if I could not secure two points. The first is, to send men of independent minds who will not be tools; men of virtue and conscience. The second is, to persuade Congress to support them firmly. It is infinitely better to have none in Europe than to have artful, unprincipled impostors, or depraved men. You may depend upon this: the moment an American minister gives al loose to his passion for women, that moment he is undone; he is instantly at the mercy of the spies of the court, and the tool of the most profligate of the human race. This will be called pedantry, but it is sacred truth; and our country will feel it to her sorrow if she is not aware of it in season. If you make it a principle that your ministers should be agreeable at the court and have the good word of the courtiers, you are undone. No man will ever be pleasing at a court in general who is not depraved in his morals or warped from your interests. If, therefore, you can carry elections for men of pure integrity and unshaken firmness, it will be for your interest to have a number of them at the principal courts of Europe for some time; two or three years at least. If you cannot, you had better send none. Men of any other character will be called amiable and be said to be beloved and esteemed and to have your confidence, but they will be made the instruments of the most insidious and destructive designs upon your liberties—I mean upon your morals and republican virtues, which are the only qualities which can save our country. For myself, I don't care a farthing; the most agreeable thing to me would be to come home. But I pray one thing only for myself: it is, that you would determine immediately whether I may come home or not.

It is the true interest of our country to cultivate the friendship of the Dutch. We have nothing to fear from them as we have from the French and English. It is their policy as well as ours to cultivate peace and neutrality, and we may aid each other in it.

With sincere affection, your friend,

JOHN ADAMS.



Morris to the Commissioner of Accounts.\*

OFFICE OF FINANCE, *September 4, 1783.*

SIR: As the commissioners, both on the accounts of the departments and on those of the States, are now almost all appointed, and in the execution of their respective offices, I shall take the liberty of adding a little to their important employment. And this I do with a view to the future service of the Union, under whatever hands the administration may fall.

In the course of the business committed to your care you will have occasion to travel into different places, and therefore you will have an opportunity to render an accurate account of many particulars which it is important to know. A well-regulated system of finance requires that money be raised with ease to the people and expended with economy to the public. An intimate acquaintance with the state and the resources of a country is alike essential to both of these objects.

The state of the country is either *geographical, moral, political, or commercial*. The geographical state comprehends—

1st. The general extent, divisions, and subdivisions;

2dly. The mountains, rivers, and roads, with their respective courses and distances;

3dly. The kind and quality of the soil; and

4thly. The natural advantages or disadvantages for husbandry, manufactures, or commerce, including therein mines, minerals, quarries, salines, and the like.

The moral state of the country comprehends—

1st. The population—whether numerous or not, and whether by natives or emigrants;

2dly. The manners—which include the mode of life and occupation of the people, from those who live by hunting or grazing to the husbandman, and so on to the most perfect mechanics;

3dly. The husbandry—by which is meant the particular kinds which may be practised and the degree of improvement in each. The various climates and productions of the States, as well as their different periods of settlement and relative population, have rendered this article extremely various;

4thly. The arts—by which is not so much intended the fine as the useful arts. It may, however, be not amiss to mention any peculiar or remarkable excellence in the former. The useful, or mechanic arts, being in some places considerably advanced and in others hardly established, and the wealth of the country depending much upon them, it will be well to know the subject intimately;

5thly. The buildings—these may be either public or private. The former may be noticed, but of the latter an accurate information will be necessary, seeing that in general much information as to the abilities

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\* MSS. Dep. of State; 6 Sparks' Dip. Rev. Corr., 643.

of a people may be derived from a knowledge of the houses they have built; whether these be of logs, for shelter of the new and indigent cultivator; or of stone, for the accommodation of the established and wealthy husbandman. So also whether the windows be glazed or not, the state of the several outhouses, &c.; and,

6thly. The improvements—which will comprehend, of land, from the first clearing of a forest to the watering and dyking of meadows and swamps; and of buildings, from a common sawmill to all the various furnaces, forges, mills, and machines which may be met with in the progress of your inquiries.

The political state of the country comprehends—

1st. The constitution of government, which is not merely the paper form, but the practice under it—and that will depend much upon the tendency of the people towards aristocratical or democratical dispositions. The former may be expected where large tracts of territory are in the hands of a few, and the latter where a considerable equality of fortunes is found in cities. But neither of these circumstances, though forcible, is conclusive, and therefore it is that the knowledge collected on the spot by conversation and observation becomes useful;

2dly. The magistracy—by which is meant not only the mode of appointment, the names, the powers, and the jurisdictions, but what is far more important, the authority, which, materially depending upon the respect paid to the magistracy, must be much influenced by the personal character of the magistrates; and by that character is not so much intended the reputation of a few individuals, as of the whole corps, and for a considerable space of time;

3dly. The interior police—which is intimately connected with and mutually acted upon by the former. This differs widely in the different states, and is the more necessary to be known, as various branches of it may either facilitate or oppose the public measures;

4thly. The revenue—and under this head is particularly to be noted the modes of laying, levying, and collecting taxes, the time and the expense which are employed, and the delays and the frauds which happen. To these will be added the amount brought into the treasury, and as far as may be the quantum appropriated to public uses; and,

5thly. The credit, both public and private—the former of which has a close connexion with the revenue.

The commercial state of the country comprehends—

1st. The produce—under which term is included not only the raw material, but the ruder manufactures, such, for instance, as flour from wheat, iron from ore, and the like;

2dly. The roads and navigation to the several ports—on the facility whereof must greatly depend the prices of things, and even the practicability of obtaining them;

3dly. The imports and exports, with the places to and from which the same are made—the former as precisely as possible, and the latter in

such general terms as may convey a tolerably just idea of the principal branches and connexions of foreign commerce;

4thly. The value of lands—which, though a result from various heads already mentioned, has a more intimate connexion with commerce; and

5thly. The value of money—by which is not so much meant the coins, as the rates of interest actually paid and the facility of obtaining money on interest.

The resources of a state are twofold; being either those which exist and may be drawn forth and applied in peace for the various purposes which may then occur to meliorate or beautify the country, such as the opening of interior navigation, mending of roads, and erecting of buildings; or those which can be exerted for the purposes of war, either offensive or defensive. The resources in peace will appear from due reflection on the information already asked; as will, indeed, in a great degree, those for war, particularly offensive war. But still there remain some particulars worthy of notice, such as—

1st. The number of men which may be brought into the public service, being either seamen or soldiers; and consequently the number of each should be distinguished;

2dly. The quantity of provisions and the kinds;

3dly. The forage of different kinds; and

4thly. The various means of transportation, such as horses, wagons, boats, &c.

Having thus, sir, pointed out the principal objects on which I wish for information, I must now request that you will endeavor to collect it as speedily and as perfectly as your means and opportunities may permit, and that you will transmit it as fast as it is obtained, but always in letters which contain no other matter, and arranged regularly under the several titles which have been mentioned; but as it is impossible to foresee the various matters which may arise and the occurrences which will impress themselves on an intelligent and inquisitive mind, you will be pleased, under the head of *Miscellaneous observations*, to transmit any such things as you may think useful or important to be known.

I am, sir, &c.,

ROBERT MORRIS.

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Hartley to the Peace Commissioners.\*

PARIS, September 4, 1783.

GENTLEMEN: It is with the sincerest pleasure that I congratulate you on the happy event which took place yesterday, viz: the signature of the definitive treaty between our two countries. I considered it as the auspicious presage of returning confidence and of the future intercourse of all good offices between us. I doubt not that our two coun-

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\* MSS. Dep. of State; 5 Sparks' Dip. Rev. Corr., 536.

tries will entertain the same sentiments, and that they will behold with satisfaction the period which terminates the memory of their late unhappy dissensions, and which leads to the renewal of all the ancient ties of amity and peace. I can assure you that his Britannic majesty and his confidential servants entertain the strongest desire of a cordial good understanding with the United States of America. And that nothing may be wanting on our parts to perfect the great work of pacification, I shall propose to you, in a very short time, to renew the discussion of those points of amity and intercourse which have been lately suspended, to make way for the signature of the treaties between all the late belligerent powers, which took place yesterday.

We have now the fairest prospects before us, and an unembarrassed field for the exercise of every beneficent disposition, and for the accomplishment of every object of reciprocal advantage between us. Let us, then, join our hearts and hands together in one common cause for the reunion of all our ancient affections and common interests.\*

I am, gentlemen, &c.,

DAVID HARTLEY.

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J. Adams to the President of Congress.†

PARIS, *September 5, 1783.*

SIR: On Wednesday, the 3d day of this month, the American ministers met the British minister at his lodgings at the *Hôtel de York*, and signed, sealed, and delivered the definitive treaty of peace between the United States of America and the King of Great Britain. Although it is but a confirmation or repetition of the provisional articles, I have the honor to congratulate Congress upon it, as it is a completion of the work of peace, and the best that we could obtain. Nothing remains now to be done but a treaty of commerce; but this in my opinion can not be negotiated without a new commission from Congress to some one or more persons. Time, it is easy to foresee, will not be likely to render the British nation more disposed to a regulation of commerce favorable to us, and therefore my advice is to issue a commission as soon as may be.

There is another subject on which I beg leave to represent to Congress my sentiments, because they seem to me of importance, and because they differ from many sanguine opinions which will be communicated to the members of that assembly from partizans both of England and France.

In the late deliberations concerning an acceptance of the mediation of the two Imperial courts the British minister refused it, and in the conferences we had with the Comte de Vergennes upon this subject it

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\* As the definitive treaty was an exact copy of the provisional articles (*see supra*, under date November 30, 1782), it is here omitted.

† MSS. Dep. of State; 4 Sparks' Dip. Rev. Corr., 110; with verbal changes; 8 J. Adams' Works, 143.

was manifest enough to me that he was not fond of our accepting it; for although he maintained a perfect impartiality of language, neither advising us for nor against the measure, yet at last, when it was observed that Mr. Hartley was averse to it, he turned to Dr. Franklin, and said that we must agree with Mr. Hartley about it, with such a countenance, air, and tone of voice (for from these you must often collect the sentiments of ministers) as convinced me he did not wish the mediation should take place.

It was not a subject which would bear insisting on either way. I therefore made no difficulty. But I am, upon recollection, fully of opinion that we should have done wisely to have sent our letter to the Imperial ministers, accepting the mediation on our part. The signature of these ministers would have given us reputation in Europe and among our own citizens. I mention these, because I humbly conceive that Congress ought, in all their proceedings, to consider the opinion that the United States or the people of America will entertain of themselves. We may call this national vanity or national pride, but it is the main principle of the national sense of its own dignity and a passion in human nature, without which nations cannot preserve the character of man. Let the people lose this sentiment, as in Poland, and a partition of their country will soon take place. Our country has but lately been • a dependent one, and our people, although enlightened and virtuous, have had their minds and hearts habitually filled with all the passions of a dependent and subordinate people; that is to say, with fear, with diffidence, and distrust of themselves, with admiration of foreigners, &c. Now I say that it is one of the most necessary and one of the most difficult branches of the policy of Congress to eradicate from the American mind every remaining fibre of this fear and self-diffidence on one hand and of this excessive admiration of foreigners on the other.

It cannot be doubted one moment that a solemn acknowledgment of us by the signature of the two Imperial courts would have had such a tendency in the minds of our countrymen. But we should also consider, upon every occasion, how our reputation will be affected in Europe. We shall not find it easy to keep up the respect for us that has been excited by the continual publication of the exploits of the war. In the calm of peace little will be said about us in Europe, unless we prepare for it, but by those who have designs upon us. We may depend upon it, everything will be said in Europe and in the gazettes which anybody in Europe wants to have repeated in America to make such impressions upon the minds of our citizens as he desires. It will become us, therefore, to do everything in our power to make reasonable and just impressions upon the public opinion in Europe. The signature of the two Imperial courts would have made a deep and important impression in our favor upon full one-half of Europe as friends to those courts, and upon all the other half as enemies.

I need not explain myself further. I may, however, add, that Americans can scarcely conceive the decisive influence of the governments of Europe upon their people. Every nation is a piece of clockwork, every wheel is under the absolute direction of the sovereign as its weight or spring. In consequence of this, all that moiety of mankind that are subject to the Imperial courts and their allies would, in consequence of their mediation, have been openly and decidedly our friends at this hour, and the other half of Europe would certainly have respected us more for this. But at present, the two Imperial courts not having signed the treaty, all their friends are left in a state of doubt and timidity concerning us. From all the conversations I have had with the Count de Mercy and M. Markoff it is certain that the two courts wished, as these ministers certainly were ambitious, to sign our treaty. They and their sovereigns wished that their names might be read in America and there respected as our friends. But this is now passed. England and France will be most perfectly united in all artifices and endeavors to keep down our reputation at home and abroad, to mortify our self-conceit, and to lessen us in the opinion of the world. If we will not see, we must be the dupes; we need not, for we have in our own power, with the common blessing, the means of everything we want. There is but one course now left to retrieve the error, and that is to send a minister to Vienna with power to make a treaty with both the Imperial courts. Congress must send a minister first, or it will never be done. The Emperor never sends first, nor will England ever send a minister to America until Congress shall have sent one to London.

To form immediate commercial connections with that half of Europe, which ever has been, and with little variations ever will be, opposite to the House of Bourbon, is a fundamental maxim of that system of American politics which I have pursued invariably from the beginning of this war. It is the only means of preserving the respect of the House of Bourbon itself; it is the only means, in conjunction with our connections with the House of Bourbon already formed, to secure us the respect of England for any length of time, and to keep us out of another war with that kingdom. It is, in short, the only possible means of securing to our country that peace, neutrality, impartiality, and indifference in European wars which, in my opinion, we shall be unwise in the last degree if we do not maintain. It is, besides, the only way in which we can improve and extend our commercial connections to the best advantage.

With great respect, I am,

JOHN ADAMS.

J. Adams, Franklin, and Jay to Hartley.\*

PASSY, *September 5, 1783.*

SIR: We have received the letter you did us the honor to write yesterday.

Your friendly congratulations on the signature of the definitive treaty meet with cordial returns on our part; and we sincerely rejoice with you in that event, by which the Ruler of nations has been graciously pleased to give peace to our two countries.

We are no less ready to join our endeavors than our wishes with yours to concert such measures for regulating the future intercourse between Great Britain and the United States as, by being consistent with the honor and interests of both, may tend to increase and perpetuate mutual confidence and good will.

We ought, nevertheless, to apprise you that as no construction of our commission could at any period extend it, unless by implication to several of the proposed stipulations; and as our instructions respecting commercial provisions, however explicit, suppose their being incorporated in the definitive treaty, a recurrence to Congress previous to the signature of them will be necessary, unless obviated by the despatches we may soon receive from them.

We shall immediately write to them on the subject, and we are persuaded that the same disposition to confidence and friendship which has induced them already to give unrestrained course to British commerce and unconditionally to liberate all prisoners at a time when more caution would not have appeared singular will also urge their attention to the objects in question, and lead them to every proper measure for promoting a liberal and satisfactory intercourse between the two countries.

We have communicated to Congress the repeated friendly assurances with which you have officially honored us on these subjects, and we are persuaded that the period of their being realized will have an auspicious and conciliating influence on all the parties in the late unhappy dissensions.

We have the honor to be, &c.,

JOHN ADAMS.  
B. FRANKLIN.  
JOHN JAY.

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Franklin to Fox.†

PASSY, *September 5, 1783.*

SIR: I received in its time the letter you did me the honor of writing to me by Mr. Hartley; and I can not let him depart without expressing my satisfaction in his conduct towards us, and applauding the

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\* MSS. Dep. of State; 5 Sparks' Dip. Rev. Corr., 537, with verbal changes.

† MSS. Dep. of State; 5 Sparks' Dip. Rev. Corr., 537; 8 Bigelow's Franklin, 335.

prudence of that choice which sent us a man possessed of such a spirit of conciliation, and of all that frankness, sincerity, and candor which naturally produce confidence, and thereby facilitate the most difficult negotiations. Our countries are now happily at peace, on which I congratulate you most cordially; and I beg you to be assured that as long as I have any concern in public affairs I shall readily and heartily concur with you in promoting every measure that may tend to promote the common felicity.

With great and sincere esteem and respect, I have the honor to be, &c.,

B. FRANKLIN.

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Franklin to Hartley.\*

PASSY, *September 6, 1783.*

MY DEAR FRIEND: Enclosed is my letter to Mr. Fox. I beg you would assure him that my expressions of esteem for him are not mere professions. I really think him a *great* man, and I would not think so if I did not believe he was at bottom, and would prove himself a *good* one. Guard him against mistaken notions of the American people. You have deceived yourselves too long with vain expectations of reaping advantage from our little discontents. We are more thoroughly an enlightened people, with respect to our political interests, than perhaps any other under heaven. Every man among us reads, and is so easy in his circumstances as to have leisure for conversations of improvement and for acquiring information. Our domestic misunderstandings, when we have them, are of small extent, though monstrously magnified by your microscopic newspapers. He who judges from them that we are on the point of falling into anarchy, or returning to the obedience of Britain, is like one who, being shown some spots in the sun, should fancy that the whole disk would soon be overspread with them, and that there would be an end of daylight. The great body of intelligence among our people surrounds and overpowers our petty dissensions as the sun's great mass of fire diminishes and destroys his spots. Do not, therefore, any longer delay the evacuation of New York in the vain hope of a new revolution in your favor, if such a hope has indeed had any effect in occasioning the delay. It is now nine months since the evacuations were promised. You expect with reason that the people of New York should do your merchants justice in the payment of their old debts; consider the injustice you do them in keeping them so long out of their habitations, and out of their business, by which they might have been enabled to make payment. There is no truth more clear to me than this, that the great interest of our two countries is a thorough reconciliation. Restraints on the freedom of commerce

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\* 2 Sparks' Dip. Rev. Corr., 480; 8 Bigelow's Franklin, 336.



and intercourse between us can afford no advantage equivalent to the mischief they will do by keeping up ill-humor and promoting a total alienation. Let you and me, my dear friend, do our best toward advancing and securing that reconciliation. We can do nothing that will in a dying hour afford us more solid satisfaction.

I wish you a prosperous journey and a happy sight of your friends. Present my best respects to your good brother and sister, and believe me ever, with sincere and great esteem, yours, affectionately,

B. FRANKLIN.

*La Fayette to the President of Congress.\**

NANTES, *September 7, 1783.*

SIR: In consequence of the late arrangements the French September packet is about to sail, and I beg your excellency's leave to improve that regular, speedy, and safe opportunity. At the same time Congress will receive a definitive treaty. But upon this point, since I left Madrid, my services have not been wanting. From our commissioners Congress will, of course, receive better information. This one object I must, however, mention, which respects American debts. As soon as I knew the wishes of Congress I did, as I ever shall in such a case, earnestly apply to the French ministry and the American commissioners, but I was answered that it could not be done, and did not even consist with the powers of the British ministry. After which, and at that time of the negotiation, I had no means to improve the hint I had received from your excellency.

As to mercantile affairs in France, Mr. Barclay will acquaint Congress with their present situation. Bayonne and Duunkirk having been pointed out as American free ports, and the opinion of Congress not being known, I took upon myself to represent the harbor of L'Orient as preferable to either of those above mentioned. It has lately been made a free port; and I now wish the affair of Bayonne may be again taken up. Those three ports, with Marseilles, would make a very proper chain, and in the mean while I hope L'Orient will prove agreeable to the American merchants.

There now exist in this kingdom many obstacles to trade, which I hope by little and little will be eradicated, and, from the great national advantages of this country over England, it will of course result that a French trade, generally speaking, must prove more beneficial to America. Upon many articles of American produce I wish preference may be obtained from this government, and besides commercial benefits in Europe, your excellency feels that West India arrangements can not easily be adjusted with European notions and at the present costs. Upon those objects Mr. Barclay has had, and again will have, confer-

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\* 5 Sparks' Dip. Rev. Corr., 417.

ences with the ministers. Circumstanced as we now are, he is, and the commissioners also are, of opinion that my presence in France may be serviceable. As he was pleased to apply to me on the subject, saying he would mention the matter to Congress, and as their orders which I was to expect have not yet reached me, I think it my present duty, and it shall ever be my rule, to do that in which I hope to serve the United States.

Warlike preparations are still going on in the eastward. Immediately after she had signed a commercial treaty with the Turks it pleased the Empress of Russia to seize upon the Crimea under a frivolous pretence. Her armies are ready to take the field, stores and troops have been collected upon the borders of the Black Sea, and the Turks are making immense, but I think not very formidable, preparations. By our last accounts the Austrians were gathering upon those borders which lead towards an invasion of Turkish Provinces, and it is thought by many that for fear of the plague the two Imperial powers will prefer winter operations. How far matters may be carried or compromised can not yet be well determined. What part France, Prussia, and England will take is not yet known. The Levant trade can not but be interested in the affair.

In every American concern, sir, my motives are so pure, my sentiments so candid, my attachments so warm and so long experienced, that from me nothing, I hope, will appear intruding or improper. Upon many points lately debated my opinions, if worth a remark, are well and generally known. But I must frankly add that the effect which some late transactions have upon European minds can not but make me uneasy. In the difficulties which a patriotic and deserving army have met with Europeans have been misled to conceive a want of public gratitude. In the opinions that have from every quarter been stated Europeans have also mistaken partial notions for a want of disposition to the federal Union; and, without that union, sir, the United States can not preserve that dignity, that vigor, that power, which insures the glory and the happiness of a great, liberal, and independent nation. Nay, it would be ill fate to us who have worked, fought, and bled in this cause to see the United States a prey to the snares of European politics. But I am only mentioning the opinions of men on this side of the water, and in my heart I hope everything will be adjusted to the satisfaction of that part of the citizens who have served in the army and that other part in the civil line, who, during the war, have sympathized with their troops. I, above all other earthly wish, most fervently pray that the enemies of liberty, or such as are jealous of America, may not have the pleasure to see us deviate from the principles of the Federal Union. And, upon a recollection of my introductory apology, I hope the observations I humbly offer will be as kindly received as they are respectfully and affectionately presented.

When it is thought my presence here can be dispensed with, or in case

the situation of affairs should persuade me it were more useful in America, I will not delay to join a wished-for and beloved land. Any orders or commands whatever which Congress may be pleased to give me I shall most cheerfully obey, and as every moment in my life is devoted to the love and respect of the United States, so will it ever be my happiness to serve them.

With every sentiment of an affectionate regard, I have the honor to be, &c.,

LA FAYETTE.

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J. Adams, Franklin, and Jay to Hartley.\*

PASSY, *September 7, 1783.*

SIR: We have the honor of transmitting herewith enclosed an extract of a resolution of Congress of the 1st of May last, which we have just received.

You will perceive from it that we may daily expect a commission in due form for the purposes mentioned in it; and we assure you of our readiness to enter upon the business whenever you may think proper.†

We have the honor to be, &c.,

JOHN ADAMS.

B. FRANKLIN.

JOHN JAY.

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J. Adams to the President of Congress.‡

PARIS, *September 8, 1783.*

SIR: As the resolution of Congress of the 1st of May has determined it to be my duty to remain in Europe at least another winter, I shall be obliged to say many things to your excellency by letter which I hoped to have had the honor of saying upon the floor of your house. Some of these things may be thought at first of little consequence, but time

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\* MSS. Dep. of State; 5 Sparks' Dip. Rev. Corr., 538.

† IN CONGRESS, *May 1, 1783.*

On the report of a committee to whom was referred a letter of February 5 from the honorable John Adams.

"Ordered, That a commission be prepared to Messrs. John Adams, Benjamin Franklin, and John Jay, authorizing them, or either of them in the absence of the others, to enter into a treaty of commerce between the United States of America and Great Britain, subject to the revival of the contracting parties previous to its final conclusion, and in the mean time to enter into a commercial convention, to continue in force one year.

"That the Secretary of Foreign Affairs lay before Congress, without delay, a plan of a treaty of commerce, and instructions relative to the same, to be transmitted to the said commissioners."

‡ MSS. Dep. of State; 4 Sparks' Dip. Rev. Corr., 114, with verbal changes; 8 J. Adams' Works, 148.

and inquiry and consideration will show them to have weight. Of this sort is the subject of this letter.

The views and designs, the intrigues and projects, of courts are let out by insensible degrees and with infinite art and delicacy in the gazettes.

These channels of communication are very numerous, and they are artificially complicated in such a manner that very few persons are able to trace the sources from whence insinuations and projects flow. The English papers are an engine by which everything is scattered all over the world. They are open and free. The eyes of mankind are fixed upon them. They are taken by all courts and all politicians and by almost all gazetteers. Of these papers, the French emissaries in London, even in time of war, but especially in time of peace, make a very great use; they insert in them things which they wish to have circulated far and wide. Some of the paragraphs inserted in them will do to circulate through all Europe, and some will not do in the *Courier de l'Europe*. This is the most artful paper in the world; it is continually accommodating between the French and English ministry. If it should offend the English essentially, the ministry would prevent its publication; if it should sin against the French unpardonably, the ministry would instantly stop its circulation; it is therefore continually under the influence of the French ministers, whose underworkers have many things translated into it from the English papers and many others inserted in it originally, both to the end that they may be circulated over the world, and particularly that they may be seen by the King of France, who reads this paper constantly. From the English papers and the *Courier de l'Europe* many things are transferred into various other gazettes the *Courier du Bas Rhin*, the *Gazette de Deux Ponts*, the *Courier d'Avignon*, and the *Gazette des Pays Bas*. The gazettes of Leyden and Amsterdam are sometimes used for the more grave and solid objects, those of Deux Ponts and d'Avignon for popular topics, the small talk of coffee-houses, and still smaller and lower circles.

All these papers and many others discover a perpetual complaisance for the French ministry, because they are always in their power so entirely, that if an offensive paragraph appears, the entrance and distribution of the gazette may be stopped by an order from court, by which the gazetteer loses the sale of his paper in France, which is a great pecuniary object. Whoever shall hereafter come to Europe in any public employment, and take in the papers above enumerated, will acknowledge his obligations to me for mentioning them. He will find them a constant source of amusement, and sometimes of useful discoveries. I may hereafter possibly entertain Congress with some curious speculations from these gazettes, which have all their attention fixed upon us, and very often honor us with their animadversions,

sometimes with their grave counsels, but oftener still with very sly and subtle insinuations.

With great respect, I have the honor to be, &c.,

JOHN ADAMS.

J. Adams to the President of Congress.\*

PARIS, *September 8, 1783.*

SIR: Yesterday morning Mr. Jay informed me that Dr. Franklin had received, and soon after the Doctor put into my hands, the resolution of Congress of the 1st of May,† ordering a commission and instructions to be prepared to those gentlemen and myself for making a treaty of commerce with Great Britain. This resolution, with your excellency's letter, arrived very seasonably, as Mr. Hartley was setting off for London with information from us that our powers were executed.

I am very sensible of the honor that is done me by this resolution of Congress and of the great importance of the business committed to our care; and shall not, therefore, hesitate to take a part in it. I can attend to this business, and at the same time have some care of your affairs in Holland; and in case the present loan should be full in the course of the next winter, I can open a new one either by going to Amsterdam, or by having the obligation sent to me in Paris to be signed. In this way there will be no additional expense to the public, as I have informed M. Dumas that there must be no expense made at The Hague on my account or on account of Congress, but that all his expenses must be borne by himself, or he must at least settle them with Congress. I have so much regard for this gentleman, and such an opinion of his worth and merit, that I can not but recommend him upon this occasion to Congress for the commission of secretary of that legation, but as economy is and ought to be carefully attended to, I presume not to point out the salary which will be proper. There are so many ways of pillaging public men in Europe, that it will be difficult for Congress to conceive the expenses which are unavoidable in these countries.

If the principle of economy should restrain Congress from sending ministers to Vienna, Petersburgh, Copenhagen, and Lisbon, they will probably send a commission to Paris to negotiate treaties there, because I think it will appear to be of great importance, both in a political and commercial light, to have treaties with these Powers. If this should

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\* MSS. Dep. of State; 4 Sparks' Dip. Rev. Corr., 113.

† *Ordered*, That a commission be prepared to John Adams, Benjamin Franklin, and John Jay, authorising them, or either of them in the absence of the others, to enter into a treaty of commerce between the United States of America and Great Britain, subject to the revisal of the contracting parties previous to its final conclusion; and, in the mean time, to enter into a commercial convention, to continue in force one year.

be the case, as three of us will be now obliged to attend at Paris the tedious negotiation with England, we can all at the same time and with the same expense attend to the negotiations with the other Powers; which will afford to all an opportunity of throwing in any hints which may occur for the public good, and will have a much better appearance in the eyes of Europe and America. I do not hesitate, therefore, to request that if such a commission or commissions should be sent, that all your ministers in Europe may be inserted in it. If the arrangement should make any difficulty in America, it will make none with me; for although I think there was good reason for the order in which the names stand in the new commission for peace and in the resolution for a new commission for a treaty of commerce, that reason will not exist in any future commission.

Mr. Hartley's powers are sufficient to go through the negotiation with us, and I suppose it will be chiefly conducted at Paris, yet we may all think it proper to make a tour to London, for a few weeks especially, in case any material obstacle should arise. We are told that such a visit would have a good effect at court and with the nation; at least it seems clear it would do no harm.

With the greatest respect and esteem, I have the honor to be, sir, your most obedient and most humble servant,

JOHN ADAMS.

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J. Adams to Gerry.\*

AUTEUIL, *September 9, 1783.*

\* \* \* In Europe appearance is everything. What you allow me I shall expend, but you know that I can not expend any more. When I was first in Holland I used to make visits with one footman behind my coach. The plainest republicans—the severest of them all—came to me to remonstrate. “Mr. Adams,” said they, “you must never make a visit with less than two servants in livery behind your coach. You can neither keep up your own reputation with our people, nor that of your country, nor our reputation who associate with you and call you the American minister, without it.” “*C'est trop en bourgeois.*” This is the fact; it is seen and felt by every one.

The foreign ministers at European courts may be divided into three classes. First, noblemen of high rank and great fortune in their countries, who have six, eight, or ten thousand pounds from their courts, some of whom are supposed to spend as much more out of their private fortunes. These are commonly more fit for parade than anything else, or have particular reasons for wishing to live out of their own countries, or whose courts have such reasons for wishing them away. Secondly, others who have smaller salaries, but still handsome ones,

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\* 1 Life of Elbridge Gerry, 398.

and who spend twice as much, which they acquire by speculations in stocks, by making use of their prerogatives in saving duties upon goods, even by secret connexions with smugglers, by gaming, and many other ways equally unfit to mention or suspect. All these practices have been used, and perhaps are still. But Congress ought to execrate and condemn in the most decided manner every such thing in their ministers. Thirdly, there are others who have honorable salaries, spend them honorably, and are industrious and attentive to the rights and honor of their country and their masters. Such and such only ought to be the American ministers. The present allowance to your ministers, with an addition of three hundred a year for a clerk, is in my opinion as little as will possibly bear; for besides all the expensive articles of house, coach, livery servants, domestic servants, presents to the servants at courts, and the pilferings of servants, tradesmen, shopkeepers, &c., a great and inevitable deduction, your ministers must keep a handsome table, suitable to entertain genteel company at all times, and great company very often.

With great esteem and sincere affection, your friend,

JOHN ADAMS.

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Boudinot, President of Congress, to Franklin.\*

PHILADELPHIA, *September 9, 1783.*

SIR: Being by accident at this city and an opportunity offering, I do myself the honor of enclosing a duplicate of the ratification of the treaty with Sweden, the original of which I transmitted some time since, but not having the copy of the letter attending it by me, I am prevented from sending the duplicate of it, unless this opportunity is risked.

I am happy to enclose you some resolutions of the assembly of Pennsylvania, by which you will see that all the difficulties that arose on account of the mutiny have happily subsided without producing the least ill consequences.

The soldiers were very penitent, and two of the sergeants are now under sentence of death, but I believe will be pardoned by Congress on account of the means used by Captain Carbery and Lieutenant Sullivan to induce those poor wretches to behave as they did under expectations of great personal advantages. I hope these two officers will meet with proper detestation from all good men.

I have the honor to be, &c.,

E. B.

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\* MSS. Dep. of State.

Franklin to Jay.\*

PASSY, September 10, 1783.

SIR: I have received a letter from a very respectable person in America containing the following words, viz:

It is confidently reported, propagated, and believed by some among us, that the court of France was at the bottom against our obtaining the fishery and territory in that great extent in which both are secured to us by the treaty; that our minister at that court favored, or did not oppose this design against us, and that it was entirely owing to the firmness, sagacity, and disinterestedness of Mr. Adams, with whom Mr. Jay united, that we have obtained these important advantages.†

It is not my purpose to dispute any share of the honor of that treaty which the friends of my colleagues may be disposed to give them, but having now spent fifty years of my life in public offices and trusts, and having still one ambition left, that of carrying the character of fidelity, at least, to the grave with me, I cannot allow that I was behind any of them in zeal and faithfulness. I therefore think that I ought not to suffer an accusation, which falls little short of treason to my country, to pass without notice, when the means of effectual vindication are at hand. You, sir, were a witness of my conduct in that affair. To you and my other colleagues I appeal, by sending to each a similar letter with this, and I have no doubt of your readiness to do a brother commissioner justice by certificates, that will entirely destroy the effect of that accusation.

I have the honor to be, with much esteem, &c.,

B. FRANKLIN.

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\* 2 Sparks' Dip. Rev. Corr., 482; 1 Sparks' Dip. Corr. of the United States, 365; 8 Bigelow's Franklin, 340.

† This extract is from a letter written by Dr. Cooper, of Boston, and dated May 5, 1783. In a preceding paragraph Dr. Cooper says: "There is a party among us disposed to avail themselves of every incident and of all personal resentments to weaken and divide our public counsels and injure the alliance. Regard to the general good, as well as private and the most constant friendship, oblige me to state things as they are." Then comes the extract in the text. Dr. Cooper adds: "It has also been said, from the same quarter, that the court of France secretly traversed Mr. Adams' views in Holland for obtaining from the United Provinces an acknowledgment of our independence, and that the same part has been acted in Spain and Russia. All these things are incredible to me, and though they make some impression at present, truth is great and will prevail. Care, I hope, will be taken both at Congress and in Europe, as far as public prudence will permit, to state, as soon as may be, these matters in a just light, and to prevent the public mischief, as well as private injuries, that may arise from misapprehensions in matters of this moment."

A copy of the whole of this letter was sent by Dr. Franklin to Count de Vergennes, and it is now contained among the American papers in the *Archives des Affaires Etrangères* at Paris. Dr. Franklin likewise sent to Congress a copy of his correspondence with Messrs. Jay and Adams on that subject. M. de la Luzerne, in writing to Count de Vergennes some months afterwards, said: "Dr. Franklin has at last aroused himself from the apathy with which, till now, he seems to have regarded the attacks of his colleagues. He has sent to Congress the copy of the letter which



## Adams, Franklin, and Jay to the President of Congress.\*

PASSY, September 10, 1783.

SIR: On the 3d instant definitive treaties were concluded between all the late belligerent powers except the Dutch, who the day before settled and signed preliminary articles of peace with Britain.

We most sincerely and cordially congratulate Congress and our country in general on this happy event; and we hope that the same kind Providence which has led us through a vigorous war to an honorable peace will enable us to make a wise and moderate use of that inestimable blessing.

We have communicated a duplicate original of the treaty to the care of Mr. Thaxter, who will go immediately to L'Orient, whence he will sail in the French packet to New York. That gentleman left America with Mr. Adams, as his private secretary, and his conduct having been perfectly satisfactory to that minister, we join in recommending him to the attention of Congress. We have ordered Mr. Grand to pay him one hundred and thirty louis d'ors, on account of the reasonable expenses to be incurred by his mission to Congress, and his journey from thence to his family at Hingham, in the Massachusetts Bay. For the disposition of the money he is to account. The definitive treaty being in the terms of the provisional articles, and not comprehending any of the objects of our subsequent negotiations, it is proper that we give a summary account of them.

When Mr. Hartley arrived here he brought with him only a set of instructions signed by the King. We objected to proceeding with him until he should have a commission in form. This occasioned some delay. A proper commission was, however, transmitted to him, a copy of which was shortly after sent to Mr. Livingston.

We, having been instructed to obtain, if possible, an article for a direct trade to the West Indies, made to Mr. Hartley the proposition No. 1.†

He approved of it greatly, and recommended it to his court, but they declined assenting to it.

Mr. Hartley then made us the proposition No. 2;‡ but being asked whether he was authorised to sign it, in case we agreed to it, he answered in the negative. We therefore thought it improper to proceed

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he had written to Mr. Jay and Mr. Adams, requesting these two ministers to explain themselves respecting a report, which had gone abroad, that he did not unite in procuring for the United States admission to the fisheries, and that he was disposed to conclude a treaty of peace without securing this advantage to the eastern States. Mr. Jay, in his letter to Dr. Franklin, renders full justice to him on this point, and affirms, in a positive manner, that he concurred with a zeal equal to his intelligence and experience in all the articles of the peace." Note to 8 Bigelow's Franklin, 341.

\* MSS. Dep. of State; 5 Sparks' Dip. Rev. Corr., 539, with verbal changes; 8 Bigelow's Franklin, 342.

† See Mr. Adams' proposed agreement *supra*, June 1, 1783.

‡ See Mr. Hartley's proposed agreement *supra*, June 1, 1783.

to the consideration of it until after he should have obtained the consent of his court to it. We also desired to be informed whether his court would or would not comprehend Ireland in their stipulations with us.

The British cabinet would not adopt Mr. Hartley's propositions, but their letters to him were calculated to inspire us with expectations that, as nothing but particular local circumstances, which would probably not be of long duration, restrained them from preferring the most liberal system of commerce with us, the ministry would take the earliest opportunity of gratifying their own wishes as well as ours on that subject.

Mr. Hartley then made us the propositions No. 3.\* At this time we were informed that letters for us had arrived in France from Philadelphia; we expected to receive instructions in them, and told Mr. Hartley that this expectation induced us to postpone giving him an answer for a few days.

The vessel by which we expected these letters it seems had not brought any for us. But at that time information arrived from America that our ports were all opened to British vessels. Mr. Hartley thereupon did not think himself at liberty to proceed until after he should communicate that intelligence to his court and receive their further instructions.

Those further instructions never came; and thus our endeavors as to commercial regulations proved fruitless. We had many conferences and received long memorials from Mr. Hartley on the subject; but his zeal for systems friendly to us constantly exceeded his authority to concert and agree to them.

During the long interval of his expecting instructions (for his expectations were permitted to exist almost to the last) we proceeded to make and receive propositions for perfecting the definitive treaty. Details of all the amendments, alterations, objections, exceptions, &c., which occurred in the course of these discussions would be voluminous. We finally agreed that he should send to his court the project or draft of a treaty (No. 4).† He did so, but after much time, and when pressed by France who insisted that we should all conclude together, he was instructed to sign a definitive treaty in the terms of the provisional articles.

Whether the British court meant to avoid a definitive treaty with us through a vain hope, from the exaggerated accounts of divisions among our people and want of authority in Congress, that some revolution might soon happen in their favor, or whether their dilatory conduct was caused by the strife of two opposite and nearly equal parties in the cabinet, is hard to decide.

Your excellency will observe that the treaty was signed at Paris, and not at Versailles. Mr. Hartley's letter of August 29th, (No. 5),‡ and our (No. 6)§ answer will explain this. His objections, and indeed, our proceedings in general, were communicated to the French minister, who

\* *Supra*, June 1, 1783.

† See *supra*, July 27, 1783.

‡ See *supra* under date.

§ See *supra*, August 30, 1783.

was content that we should acquiesce, but desired that we would appoint the signing early in the morning, and give him an account of it at Versailles by express, for that he would not proceed to sign on the part of France, till he was sure that our business was done.

The day after the signature of the treaty, Mr. Hartley wrote us a congratulatory letter, No. 7,\* to which we returned the answer No. 8.†

He has gone to England, and expects soon to return, which for our part we think uncertain. We have taken care to speak to him in strong terms on the subject of the evacuation of New York and the other important subjects proper to be mentioned to him. We think we may rely on his doing everything in his power to influence his court to do what they ought to do; but it does not appear that they have as yet formed any settled system for their conduct relative to the United States. We cannot but think that the late and present aspect of affairs in America has had, and continues to have, an unfavorable influence, not only in Britain, but throughout Europe.

In whatever light the article respecting the tories may be viewed in America, it is considered in Europe as very humiliating to Britain, and therefore as being one which we ought in honor to perform and fulfil with the most scrupulous regard to good faith, and in a manner least offensive to the feelings of the King and court of Great Britain, who upon that point are extremely tender.

The unseasonable and unnecessary resolves of various towns on this subject, the actual expulsion of tories from some places, and the avowed implacability of almost all who have published their sentiments about the matter are circumstances which are construed, not only to the prejudice of our national magnanimity and good faith, but also to the prejudice of our government.

Popular committees are considered here, as with us, in the light of substitutes to constitutional government, and as being only necessary in the interval between the removal of the former and the establishment of the present.

The constitutions of the different States have been translated and published, and pains have been taken to lead Europe to believe that the American States not only made their own laws, but obeyed them. But the continuance of popular assemblies, convened expressly to deliberate on matters proper only for the cognizance of the different legislatures and officers of government, and their proceeding not only to ordain but to enforce their resolutions, has exceedingly lessened the dignity of the States in the eyes of these nations.

To this we may also add, that the situation of the army, the reluctance of the people to pay taxes, and the circumstances under which Congress removed from Philadelphia, have diminished the admiration in which the people of America were held among the nations of Europe,

\* See *supra*, September 4, 1783.

† See *supra*, September 5, 1783.

and somewhat abated their ardor for forming connexions with us before our affairs acquire a greater degree of order and consistence.

Permit us to observe that in our opinion the recommendation of Congress promised in the fifth article should immediately be made in the terms of it and published, and that the States should be requested to take it into consideration as soon as the evacuation by the enemy shall be completed. It is also much to be wished that the legislatures may not involve all the tories in banishment and ruin, but that such discrimination may be made as to entitle the decisions to the approbation of disinterested men and dispassionate posterity.

On the 7th instant we received your excellency's letter of the 16th of June last, covering a resolution of Congress of the 1st of May, directing a commission to us for making a treaty of commerce, &c., with Great Britain. This intelligence arrived very opportunely to prevent the anti-American party in England from ascribing any delays on our part to motives of resentment to that country. Great Britain will send a minister to Congress as soon as Congress shall send a minister to Britain, and we think much good might result from that measure.

The information of M. Dumas that we encouraged the idea of entering into engagements with the Dutch to defend the freedom of trade was not well founded. Our sentiments on that subject exactly correspond with those of Congress; nor did we even think or pretend that we had authority to adopt any such measures.

We have reason to think that the Emperor and Russia and other commercial nations are ready to make treaties of commerce with the United States. Perhaps it might not be improper for Congress to direct that their disposition on the subject be communicated to those courts, and thereby prepare the way for such treaties.

The Emperor of Morocco has manifested a very friendly disposition towards us. He expects and is ready to receive a minister from us; and as he may either change his mind or may be succeeded by a prince differently disposed, a treaty with him may be of importance. Our trade to the Mediterranean will not be inconsiderable, and the friendship of Morocco, Algiers, Tunis, and Tripoli may become very interesting in case the Russians should succeed in their endeavors to navigate freely into it by Constantinople.

Much, we think, will depend on the success of our negociations with England. If she should be prevailed upon to agree to a liberal system of commerce, France, and perhaps some other nations, will follow her example; but if she should prefer an exclusive, monopolizing plan, it is probable that her neighbors will continue to adhere to their favorite restrictions.

Were it certain that the United States could be brought to act as a nation and would jointly and fairly conduct their commerce on principles of exact reciprocity with all nations, we think it probable that Britain would make extensive concessions. But, on the contrary, while

the prospect of disunion in our councils or want of power and energy in our executive departments exist, they will not be apprehensive of retaliation, and consequently lose their principal motive to liberality. Unless, with respect to all foreign nations and transactions, we uniformly act as an entire united nation, faithfully executing and obeying the constitutional acts of Congress on those subjects, we shall soon find ourselves in the situation in which all Europe wishes to see us, viz., as unimportant consumers of her manufactures and productions and as useful laborers to furnish her with raw materials.

We beg leave to assure Congress that we shall apply our best endeavors to execute this new commission to their satisfaction, and shall punctually obey such instructions as they may be pleased to give us relative to it. Unless Congress should have nominated a secretary to that commission, we shall consider ourselves at liberty to appoint one; and as we are satisfied with the conduct of Mr. Franklin, the secretary to our late commission, we propose to appoint him, leaving it to Congress to make him such compensation for his services as they may judge proper.

Count de Vergennes communicated to us a proposition (viz., No. 9), herewith enclosed,\* for explaining the 2d and 3d articles of our treaty with France in a manner different from the sense in which we understand them. This being a matter in which we had no right to interfere, we have not expressed any opinion about it to the court.

With great respect, we have the honor to be sir, your excellency's most obedient and most humble servants,

JOHN ADAMS.

B. FRANKLIN.

JOHN JAY.

J. Adams to the President of Congress.†

PARIS, *September 10, 1783.*

SIR: As I am to remain in Europe for some time longer, I beg leave to take a cursory view of what appears necessary or expedient to be further done in Europe; for I conceive it to be not only the right but the duty of a foreign minister to advise his sovereign according to his lights and judgments, although the more extensive information and superior wisdom of the sovereign may frequently see cause to pursue a different conduct.

With Spain no doubt Congress will negotiate by a particular minister, either the present one or another, and perhaps it would be proper that the same should treat with Naples. With the two empires, Prussia, Denmark, Portugal, Sardinia, and Tuscany I humbly conceive it might be proper to negotiate, and perhaps with Hamburg; but there

\* See *supra*, May 22, 1783.

† MSS. Dep. of State; 4 Sparks' Dip. Rev. Corr., 116; 8 J. Adams' Works, 150.

are other Powers with whom it is more necessary to have treaties than it ought to be—I mean Morocco, Algiers, Tunis, and Tripoli.

I presume that Congress will not think it expedient to be at the expense of sending ministers to all these Powers, if to any. Perhaps in the present state of our finances it may not be worth while to send any. Yet the present time is the best to negotiate with all. I submit it to consideration, then, whether it is not advisable to send a commission to such minister as you judge proper, with full powers to treat with all—to the ministers now in Paris or to any others. But I humbly conceive that, if powers to treat with all or any of these states are sent to any of your ministers now here, it would be for the public good that they should be sent to all. If Congress can find funds to treat with the Barbary Powers, the ministers here are the best situated, for they should apply to the court of Versailles and their high mightinesses, in the first place, that orders should be sent to their consuls, according to treaties, to assist us. Ministers here may carry on this negotiation by letters, or may be empowered to send an agent if necessary. I have no private interest in this business. My salary will be the same, my expenses more, and labor much increased by such a measure. But as it is of public importance, I think that no unnecessary delicacies should restrain me from suggesting these hints to Congress. Whatever their determination may be will be satisfactory to me.

I have the honor to be, with the greatest respect, your excellency's,  
&c.,

JOHN ADAMS.

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Jay to Franklin.\*

PASSY, *September 11, 1783.*

SIR: I have been favored with your letter of yesterday, and will answer it explicitly. I have no reason whatever to believe that you were averse to our obtaining the full extent of boundary and fishery secured to us by the treaty. Your conduct respecting them throughout the negotiation indicated a strong, a steady attachment to both those objects, and in my opinion promoted the attainment of them.

I remember that, in a conversation which M. de Rayneval, the first secretary of Count de Vergennes, had with you and me, in the summer of 1782, you contended for our full right to the fishery, and argued it on various principles.

Your letters to me, when in Spain, considered our territory as extending to the Mississippi, and expressed your opinion against ceding the navigation of that river in very strong and pointed terms.

In short, sir, I do not recollect the least difference in sentiment be-

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\* 2 Sparks' Dip. Rev. Corr., 482; 1 Sparks' Dip. Corr. of United States, 366; 8 Bigelow's Franklin, 350.

tween us respecting the boundaries or fisheries. On the contrary, we were unanimous and united in adhering to and insisting on them. Nor did I perceive the least disposition in either of us to recede from our claims, or be satisfied with less than we obtained.

I have the honor to be, with great respect and esteem, &c.,\*

JOHN JAY.

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Laurens to Livingston.†

LONDON, *September 11, 1783.*

SIR: Permit me to refer to copies of my letter to yourself and to the American ministers at Paris, both of the 9th ultimo, which will accompany this. I was on the point of agreeing for the cabin of the packet alluded to in my last letter when I received a letter from my sister Laurens in the south of France, informing me that my brother, who has been long in a declining state, feeling himself approaching fast to dissolution, earnestly wished to see me before I should leave Europe. I can not refuse to comply with the request of a dying friend, and, besides this, humanity and gratitude forbid my leaving a widowed sister, who has been the foster mother of my daughters, at such a distance from home and unacquainted with the language of the country, without a friend and protector. I intend, therefore, to proceed immediately, trusting in the goodness of Congress for an exemption from censure in this singular case. When it is considered how exceedingly detrimental to my own interest the delay will be, it must appear that I submit to it from necessity. The journey going and coming will probably take up two, perhaps three months, allowing a reasonable time for detention at Vigan; hence I have no prospect of embarking before the next spring. I should have been already advanced on my journey, but I wait the arrival of Mr. Jay and Mr. Hartley, who are daily expected from Paris.

Yesterday I received from Dr. Franklin a copy of a letter written the 31st of August to Congress, which shows that the definitive treaty amounts to nothing more than a reconfirmation of the provisional articles, which I much regret. As it is possible this may arrive before the advices from France, I think it proper to enclose the copy above mentioned.

A Mr. Edmund Jennings has been long hovering over, and as often as he could find opportunity penetrating into, American councils on this side of the water, and there is good reason for believing, notwithstanding all his pretensions to friendship, that his chief business has been to create dissensions, and also that he has been the principal con-

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\* See other letters from Mr. Jay respecting Dr. Franklin, *supra*, September 3 (note) and 4, 1782.

† MSS. Dep. of State; 1 Sparks' Dip. Rev. Corr., 55.

triver and manager of anonymous letters calculated for the purpose. As I had detected Mr Jennings\* in some very improper conduct of this sort, and therefore refused him my countenance any longer, he knowing no medium between familiarity and enmity, pricked by his own conscience, and enraged by my silence, took an opportunity in my absence of printing about forty pages of misrepresentation and falsehood, which he circulated in a private way, with a view, I suppose, of injuring me, and I am informed he has sent a large quantity of his paper to America, under the patronage, as I have reason to believe, of Dr. Bancroft. Congress and my fellow-citizens in general are too wise to condemn before they hear; therefore I have taken the liberty to send you for their information forty-two copies of "A true state of the case,"† packed in a box, put under the care of Captain Josiah, the bearer of this. I write this "state of the case" in very great haste, and might have said much more to Mr. Jennings' disgrace, but there is enough to show that he is not worthy of public trust, and that he is a dangerous confidant to a minister of state.

Readers of Mr. Jennings' paper, from the profusion of his charges against me of animosity, enmity, uncalmness of temper, &c., &c., would suppose there had been much altercation between us, either by letter or verbally. On the contrary, I have neither corresponded with or seen him but twice passing in the streets since the 6th of January last; and nothing is more evident than my carefully avoiding to relate to those whom he alludes to as his particular friends the discovery of his folly in asserting a lie upon his honor, unless he means to include Mr. Adams as one of them. A sense of duty to my country and a sincere regard for Mr. Adams led me to attempt to open his eyes, and I judged it equally necessary to inform Dr. Franklin and Mr. Jay. But I shall trouble you no longer on this subject. Congress will be possessed of the two papers, and I shall submit to their judgment. I do not esteem it a trifling affair to remove a wicked and mischievous favorite from his influence in our councils.

I have the honor to be, &c.,

HENRY LAURENS.

P. S.—You will receive with this two of the latest gazettes, and divers other newspapers to this day inclusive.

Jay to Thomson, Secretary of Congress.‡

PASSY, *September 12, 1783.*

DEAR SIR: Mr. Thaxter, who returns unspoiled, is the bearer of the definitive treaty, and will deliver you this. Mr. Hartley expects soon to confer with us about commerce, and says he is persuaded that Britain

\*As to Jennings' character, see note to Adams to Jennings, March 12, 1780.

†A copy of this is in the library of the Department of State.

‡New York Hist. Soc., 1878, p. 175.



will be liberal. I should not doubt it if it was certain that the United States could and would act like one nation. I think all our commercial treaties should observe exact reciprocity. Mr. Hartley wishes that the American carrying trade on both sides of the boundary line may be in common *forever*. I doubt the policy of our agreeing to it except for limited terms, or during the duration of the treaty of commerce, which in my opinion should be temporary, unless very extensively free and reciprocal, because such treaties, if unequal and full of restrictions, may in time be very disadvantageous, though at present convenient.

Dr. Franklin wishes to provide against privateering and depredations on unarmed people in future wars. I agree with him perfectly, except that I wish every army invading us may be a licentious predatory one, for in that case the inhabitants would oppose them with more vigor and perseverance. It is my determination to return next summer, and therefore I hope my friends will not think of employing me in Europe in any way that might interfere with it. The prints herewith enclosed relate to a subject which excites universal attention; they will explain themselves. Mrs. Jay, who is just getting out of the straw, presents her compliments to you and Mrs. Thomson. With great regard and attachment, I am, dear sir, your friend and servant.

JOHN JAY.

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Jay to Livingston.\*

PASSY, *September 12, 1783.*

DEAR ROBERT: At your farm with your family, in peace and in plenty, how happy is your situation! I wish you may not have retired too soon. It is certain you may do much good where you are, and perhaps in few things more than in impressing, by precept, influence, and example, the indispensable necessity of rendering the continental and State governments more vigorous and orderly.

Europe hears much, and wishes to hear more, of divisions, seditions, violences, and confusions among us. The tories are generally and greatly pitied; more indeed than they deserve. The indiscriminate expulsion and ruin of that whole class and description of men would not do honor to our magnanimity or humanity, especially in the opinion of those nations who consider with more astonishment than pleasure the terms of peace which America has obtained. General Washington's letter does him credit as a soldier, patriot, and *Christian*. I wish his advice may meet with the attention it merits.

Mr. Hartley is gone to London, and expects soon to return and resume the discussion of commercial regulations, &c. He has assured us officially that Britain is not resolved to adhere to the line marked out in their proclamations respecting the West India trade. I doubt their knowing themselves what they mean to do. In my opinion we

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\* 2 Jay's Life, 127.

should adhere to exact reciprocity with all nations, and were we well united they would yield to it. He assured us also that orders were gone for the evacuation of New York.

We have had much cool weather lately, and I find myself the better for it. All the people are running after air globes. The invention of them may have many consequences, and who knows but travellers may hereafter literally pass from country to country on the wings of the wind.

Assure your good family of our sincere regard, and believe me to be, dear Robert, your affectionate friend,

JOHN JAY.

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J. Adams to Franklin.\*

PARIS, *September 13, 1783.*

SIR: I have received the letter which you did me the honor to write me on the 10th of this month, in which you say you have received a letter from a very respectable person in America containing the following words, viz: "It is confidently reported, propagated, and believed by some among us that the court of France was at the bottom against our obtaining the fishery and territory in that great extent in which both are secured to us by the treaty; that our minister at that court favored, or did not oppose this design against us, and that it was entirely owing to the firmness, sagacity, and disinterestedness of Mr. Adams, with whom Mr. Jay united, that we have obtained those important advantages."

It is unnecessary for me to say anything upon this subject more than to quote the words which I wrote in the evening of the 30th of November, 1782, and which have been received and read in Congress, viz: "As soon as I arrived in Paris I waited on Mr. Jay, and learned from him the rise and progress of the negotiation. Nothing that has happened since the beginning of the controversy in 1761 has ever struck me more forcibly or affected me more intimately than the entire coincidence of principles and opinion between him and me. In about three days I went out to Passy, and spent the evening with Dr. Franklin, and entered largely into conversation with him upon the course and present state of our foreign affairs. I told him my opinion without reserve of the policy of this court, and of the principles, wisdom, and firmness with which Mr. Jay had conducted the negotiation in his sickness and my absence, and that I was determined to support Mr. Jay to the utmost of my power in pursuit of the same system. The Doctor heard me patiently and said nothing."

"The first conference we had afterwards with Mr. Oswald, in con-

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\* 2 Sparks' Dip. Rev. Corr., 483; 1 Sparks' Dip. Corr. of the United States, 366; 8 Bigelow's Franklin, 354

sidering one point and another, Dr. Franklin turned to Mr. Jay and said: 'I am of your opinion, and will go on with these gentlemen without consulting this court.' He has accordingly met us in most of our conferences, and has gone on with us in entire harmony and unanimity throughout, and has been able and useful, both by his sagacity and reputation, in the whole negotiation."\*

I have the honor to be, very respectfully, sir,

JOHN ADAMS.

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Franklin to the President of Congress.†

PASSY, *September 13, 1783.*

SIR: I received a few days since the private letter your excellency did me the honor of writing to me of the 13th of June. I regret with you the resignation of the late secretary. Your present cares are increased by it, and it will be difficult to find a successor of equal abilities.

We found no difficulty in deciphering the resolution of Congress. The commissioners have taken no notice of it in our public letter.

I am happy to hear that both the device and workmanship of the medal are approved with you, as they have the good fortune to be by the best judges on this side of the water. It has been esteemed a well-timed as well as a well-merited compliment here, and has its good effect. Since the two first, which you mention as received, I have sent by different opportunities so many as that every member of Congress might have one. I hope they are come safe to hand by this time.

I wrote a long letter to Mr. Livingston by Mr. Barney, to which I beg leave to refer, enclosing a copy.

We had, before signing the definitive treaty, received the ratification of the preliminary articles by his Britannic majesty, exchanged with us by Mr. Hartley for that of the Congress. I send herewith a copy of the first and last clauses.

In a former letter I mentioned the volunteer proceedings of a merchant at Alicant towards obtaining a treaty between us and the Emperor of Morocco. We have since received a letter from a person who says, as you will see by the copy enclosed, that he is sent by the Emperor to be the bearer of his answer to the United States, and that he is arrived in Spain on his way to Paris. He has not yet appeared here, and we hardly know what answer to give him. I hope the sending a minister to that court, as recommended in my last, has been taken into

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\* For further information on this subject, and particularly for an account of the part taken by Dr. Franklin in the negotiation before he was joined by Mr. Jay and Mr. Adams, see the *North American Review* for January, 1830, pp. 15 *et seq.*

† MSS. Dep. of State; 2 Sparks' *Dip. Rev. Corr.*, 484; 1 Sparks' *Dip. Corr. of the United States*, 367; 8 Bigelow's *Franklin*, 356.

consideration, or at least that some instructions respecting that nation have been sent to your minister in Spain, who is better situated than we are for such a negotiation.\*

The minister from Denmark often speaks to me about the proposed treaty, of which a copy went by Mr. Barney. No commission to sign it, nor any instructions from Congress relating to it, are yet arrived; and though pressed, I have not ventured to do anything further in the affair.

I forward herewith a letter to the Congress from the city of Hamburg.† I understand that a good disposition towards us prevails there, which it may be well to encourage.

No answer has yet been given me from the court of Portugal respecting the plan of a treaty concerted between its ambassador here and me. He has been unwell and much in the country, so that I have not seen him lately. I suspect that the false or exaggerated reports of the distracted situation of our government, industriously propagated throughout Europe by our enemies, have made an impression in that kingdom to our disadvantage, and inclined them to hesitate in forming a connexion with us. Questions asked me, and observations made by several of the foreign ministers here, convince me that the idle stories of our disunion, contempt of authority, refusal to pay taxes, &c., have been too much credited, and been very injurious to our reputation.

I sent before a copy of the letter I wrote to the Grand Master of Malta, with a present of our medal. With this you will have a copy of his answer.‡ I send also a copy of a note I received from the Pope's nuncio.§ He is very civil on all occasions, and has mentioned the possibility of an advantageous trade America might have with the Ecclesiastical State, which he says has two good ports—Civita Vecchia and ———.

This court continues favorable to us. Count de Vergennes was resolute in refusing to sign the definitive treaty with England before ours was signed. The English ministers were offended, but complied. I am convinced that court will never cease endeavoring to disunite us. We shall, I hope, be constantly on our guard against those machinations, for our safety consists in a steady adherence to our friends, and our reputation in a faithful regard to treaties and in a grateful conduct towards our benefactors.

I send herewith sundry memorials recommended to my care by Count de Vergennes, viz: One respecting a claim of Messieurs. Fosters, of Bordeaux, one of M. Pequet, and one of M. Bayard. The Congress will take such notice of them as they shall think proper.

With great esteem and respect, I have the honor to be, &c.,

B. FRANKLIN.

\* See Crocco to Franklin, July 15, 1783.

† See City of Hamburg to Congress, March 29, 1783.

‡ See Grand Master of Malta to Franklin, July 21, 1783.

§ See Pope's Nuncio to Franklin, July 28, 1783.

SEPTEMBER 16, 1783.

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Madison to Randolph.\*

SEPTEMBER 13, 1783.

DEAR SIR: Our ministers in Europe have made some amends for their long silence by voluminous despatches, brought down to the 27th of July. They were received yesterday by Congress. No definitive treaty had then been signed by any of the parties, though all had been ready except Holland and America. The former is said to have settled her difficulties. The American ministers have been endeavoring to incorporate some important commercial stipulations, but in vain; and in cases of emergency must come forward with the provisional articles to be signed as the definitive treaty. The conduct of Great Britain in the negotiations with America has shown great unsteadiness, if not insidiousness, on the subject of commerce; and the enclosed proclamation of the second of July is a proof that some experiment is intended on the wisdom, firmness, and union of the States before they will enter into a treaty in derogation of her navigation act. Congress will probably recommend some defensive plan to the States. If it should meet with the fate of former recommendations, it will not probably be owing to Rhode Island, whose staple interest, more than that of any other, lies in carrying between the United States and the West Indies. If it fails at all, it will prove such an inefficiency in the Union as will extinguish all respect for it and reliance on it.

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Franklin to Morris.†

PASSY, *September 14, 1783.*

SIR: I received by the *Washington* the bills and accounts mentioned in yours of the 5th of June, and shall soon send you an account of the disposition of the money.

My account as stated by you appears to be correct. With much esteem, I have the honor to be, &c.,

B. FRANKLIN.

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Laurens to Livingston.‡

DOVER, *September 16, 1783.*

SIR: In my way to France I found here the sloop *Olive Branch* on the point of sailing to Philadelphia. By her I trouble you with the preceding copy of my last address of the 11th instant, and also a couple

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\* MSS. Dep. of State.

† MSS. Dep. of State; 2 Sparks' Dip. Rev. Corr., 486; (Mr. Morris was a secretary in the Department of Foreign Affairs.)

‡ 1 Sparks' Dip. Rev. Corr., 757.

of newspapers. Mr. George Taylor goes in this vessel, recommended by that very worthy man Granville Sharpe, than whom the United States have not a warmer friend in Europe. Shall I therefore request you, sir, to countenance this young gentleman, and assist him in his virtuous pursuits? I think he can have no other in view, going from Mr. Sharpe.

Mr. Hartley was with me yesterday morning, and said he had hopes "things would do yet," alluding to the commercial treaty. I am sure he means well, but I put "all proper confidence" in everything they say. "Things will, indeed, do yet," provided we take care of ourselves.

With the highest regard and respect, I have the honor to be, &c.,

HENRY LAURENS.

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Jay to Schuyler.\*

PASSY, *September 16, 1783.*

DEAR SIR: The day before yesterday I was favored with your friendly letter of 1st July.

To whatever cause the suspension of our correspondence may have been owing, I am persuaded that it did not originate either with you or with me. How far my conjectures on that subject may be well founded will be ascertained when we meet.

Had your reason for retiring been less urgent than that of ill health I should have thought it premature. While the government remains relaxed, and the laws have yet to acquire a due degree of respect and obedience, men of talents, weight, and influence should exert themselves to establish and maintain constitutional authority and subordination.

No less wisdom and perseverance is necessary to preserve and secure what we have gained than were requisite in the acquisition; and experience informs us that internal commotions and confusion are as injurious to the peace and happiness of society as war and enemies from abroad. Well-ordered government is essential to the duration and enjoyment of the tranquillity and leisure you promise yourself at Saratoga, and therefore domestic as well as public considerations call upon you for such a degree of attention to these subjects as your health will admit of.

I hope and expect next summer to return. Not only my family and my private concerns require it, but also the principles which led me into public life. But if, on my return, I find it my duty to devote more of my time to the public they shall have it, though retirement is what I ardently desire.

I am not surprised that men of certain characters should censure the terms of peace. There are men who view subjects only on the dark side; there are others who find fault to show their discernment; and we meet with some whose opinions are wholly decided by ideas of con-

venience and personal politics. I am happy, however, to hear that the great majority are content. In the opinion of Europe they have great reason to be so.

Your affectionate, &c.,

JOHN JAY.

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Luzerne to the President of Congress.\*

[Translation.]

PHILADELPHIA, *September 17, 1783.*

SIR: The undersigned minister plenipotentiary has the honor of communicating to Congress an extract from a letter of the Count de Vergennes and a copy of a contract between the King and the thirteen United States. He requests Congress to be pleased to send the ratification of it to their minister at his majesty's court, in order that he may settle this business with the Count de Vergennes.

The undersigned received the papers of which a copy is annexed nearly four months ago. He had received orders at the same time to inform his court of the measures which the United States might have taken for the accomplishment of the different articles of the contract of the 16th of July of last year. The undersigned has deferred till this time the communications in question, in the hope that circumstances might become more favorable. As the peace has made these stipulations, which were only eventual, executory, he can refrain no longer from requesting Congress to acquaint him with the arrangements which may have been made by the United States or those which they propose to make for the execution of the contract of the 16th of July of last year, as well as with those to be made for the execution of the contract of which a copy is annexed.

LUZERNE.

VERGENNES TO LUZERNE.

[Annexed to the note sent on the 17th of September, 1783.]

[Translation.]

VERSAILLES, *March 10, 1783.*

SIR: Dr. Franklin, in the month of February last, communicated to me different decrees of the Congress of the United States of North America, passed on the 14th and 23d of September, and several letters from Messrs. Morris and Livingston, which not only authorized that minister, but even expressly ordered him, to negotiate in Europe a loan of four millions of dollars, amounting to about twenty millions of livres tournois, for the service of the United States during the present year and under their warranty. It was at the same time enjoined on Dr. Franklin earnestly to solicit the continuance of the favors of the King in the crisis in which Congress was then placed.

In the enumeration of the motives which the superintendent of the finances alleged, in order to obtain a new loan of money from his majesty, he did not deny

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\* 6 Sparks' Dip. Rev. Corr., 122.

that the minister of France might assign good reasons for declining to comply with this request, but he added that as it was the last of this kind which Congress would have occasion to make, he hoped that it would not be rejected.

Dr. Franklin, on his part, in obedience to the orders of Congress, implored in favor of the United States the assistance of the King, and added to the reasons previously given, that without this assistance the Continental army could no longer be kept together, nor disbanded without danger.

After having conferred on this subject with M. Joly de Fleury, I made a report upon it to the King. I informed his majesty of the embarrassments of Congress, and of their inability to provide for their necessities by means of taxes, which the imperfections or the weakness of a rising administration did not permit them to levy. The King had already, by great sacrifices, fulfilled in their behalf the duties of a most tender father during the Continuance of their moral infancy. Since the nation reached the period of maturity, consecrated by its emancipation and political independence, it seemed that it ought to be sufficient for itself, and not to require new efforts of the generosity of its ally; but without being prevented by these considerations, the King, faithful to his attachment to the United States, was pleased, under these circumstances, to give a new proof of it, and notwithstanding the difficulties which his majesty experienced in his own finances, he determined, according to my report of the 20th of December last, to grant to Congress a new loan of *six millions of livres tournois*, for the service of the United States during the course of the present year. He also authorized the advancing of a sum of money previously granted which Dr. Franklin earnestly solicited. I informed that minister of it, who, in his answer of January 25th, gratefully accepted these new favors in the name of the United States. I informed him, moreover, that they could not be increased, and that his majesty would in no case be a guarantee for other loans which he might procure in Holland or elsewhere.

I have thought proper to enter into these details with you, sir, in order that you may be able to communicate them to Congress, and that that body may be informed by you of the last financial arrangements which his majesty has been pleased to decide upon in favor of the United States. I have since concerted with Dr. Franklin those measures which were necessary for fixing the conditions and the terms of payment of the loan of six millions of livres of which I have been speaking. They were stipulated in a contract made on the 25th of February last, which we signed by virtue of our respective full powers, as we had done with regard to preceding advances, by a contract previously made on the 16th of July of last year, of which I informed you at the time, and of which we are now expecting the ratification on the part of Congress. Although I do not doubt that Dr. Franklin has transmitted this new act to Congress, I have still thought it proper to send the annexed copy of it to you.

By the first article you will see, sir, that the King lends Congress the sum of *six millions of livres*, payable at the rate of five hundred thousand livres in each of the twelve months of the current year, on condition of the repayment of the capital with interest at five per cent. per annum.

The second article recapitulates and verifies the preceding said [sums?] furnished by his majesty, and divides them into three distinct classes. The first consisting of the sums loaned, amounting to eighteen millions of livres. The second, of a fund of ten millions, arising from a loan obtained in Holland for the service of the United States, and guaranteed by his majesty. The third, of subsidies gratuitously furnished, amounting to nine millions of livres, the gift of which to the United States is confirmed by his majesty.

The third article fixes the repayment to the royal treasury of the new loan of six millions, with the interest thereon, at six periods, fixed at the times most convenient for the financial operations of Congress.

By the fourth article it has been agreed that the interest on the last loan of six millions shall not commence till the 1st of January, 1784, the King being pleased to give and remit to Congress the partial interest on the capital for the present year.



The fifth and sixth articles contain stipulations of usage and form.

All attesting the sentiments of affection entertained by the King for the United States, and his tender anxiety to contribute to their prosperity.

I desire you, sir, to assure Congress that these sentiments are deeply engraven on the heart of the King, that his council feel them no less deeply, and that his majesty will never cease to take the most lively interest in the welfare of the United States, his allies.

You will be pleased to inform me of the reception of this letter and of the annexed paper.

I have the honor to be, &c.,

DE VERGENNES.

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Morris to J. Adams.\*

OFFICE OF FINANCE, *September 20, 1783.*

SIR: I have been duly honored with your excellency's favors of the 5th, 10th, and 11th of July. I have taken the liberty to make some extracts from the two latter, which are transmitted in a letter to the Governor of Massachusetts, a copy whereof is enclosed. Permit me, sir, to give my feeble approbation and applause for those sentiments of wisdom and integrity, which are as happily expressed as they are forcibly conceived. The necessity of strengthening our Confederation, providing for our debts, and forming some federal constitution begins to be most seriously felt. But unfortunately for America, the narrow and illiberal prejudices of some have taken such deep root, that it must be difficult and may prove impracticable to remove them.

I agree with you, sir, in opinion that the late peace was not, all circumstances considered, a bad one for England. It is undoubtedly a peace equally glorious to and necessary for America. All ranks of men in this country feel, as well as perceive, the benefits of it, and the fault-finders (for such men there always will be) are borne down by the general torrent of applause.

I was happy to learn by the *Washington* packet that you intended a short trip to Amsterdam for the purpose of urging on the loan. I hope you may have met with the success due to your zeal and abilities—I shall ask no greater.

With perfect respect, I have the honor to be, &c.,

ROBERT MORRIS.

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Hartley to Franklin.†

BATH, *September 24, 1783.*

MY DEAR FRIEND: I am at present at Bath, with my dearest sister, whom I found as well as I could have expected, and I hope with reasonable prospect of recovery in time. I have seen my friends in the

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\* 6 Sparks' Dip. Rev. Corr., 646; 8 J. Adams' Works, 151.

† 2 Sparks' Dip. Rev. Corr., 487.

ministry, and I hope things will go on well; with them I am sure it is all right and firm. The chief part of the cabinet ministers are out of town, but there will be a full cabinet held in a few days, in which a specific proposition, in the nature of a temporary convention, will be given in instructions to me, I imagine nearly upon the ground of my memorial of May 19th, 1783, which I delivered to the American Ministers, viz: "American ships not to bring foreign manufactures into Great Britain, nor to trade directly between the British West Indies and Great Britain;" all the rest to be as before the war. I expect that something to this effect will be their determination in the affair, and if it should be so, I shall hope not to meet with difficulty on your parts. I want to see some specific beginning. As to any further proposition respecting the trade between Great Britain and the British West Indies, I doubt whether any such can be discussed before the meeting of Parliament. I wish to look forward not only to the continuation of peace between our two countries, but to the improvement of reconciliation into alliance, and therefore I wish the two parties to be disposed to accommodate each other, without the strict account by weights and scales, as between aliens and strangers, actuated towards each other by no other principle than cold and equalizing indifference. Friendly dispositions presumed have their fairest chance of being realized, but if we should set out presuming against them, the good which might have happened may be prevented.

Pray remember me to your three colleagues, and to all friends.

Yours, ever, most affectionately,

D. HARTLEY.

P. S.—I have put in a word for our Quaker article, and I hope with some impression.

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Franklin to the President of Congress.\*

PASSY, *September 27, 1783.*

SIR: Mr. Thaxter, late secretary of Mr. Adams, who is charged with all our despatches that were intended to go by the French packet boat, writes from L'Orient, that though he arrived there two days before the time appointed for her sailing, he missed reaching her by four hours; but another light vessel was fitting, and would sail the 21st instant, in which he hoped to arrive at New York nearly as soon as the packet. We shall send duplicates by the next from hence.

In the mean time I enclose a printed copy of the definitive treaty, which I hear is ratified. Indeed we have the ratification of the preliminaries.

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\* MSS. Dep. of State; 2 Sparks' Dip. Rev. Corr., 488; 8 Bigelow's Franklin, 361.

Mr. Hartley, when he left us, expected to return in three weeks, in order to proceed with us in forming a treaty of commerce. The new commission that was intended for us is not yet come to hand.

With great respect, I have the honor to be, sir, &c.,

B. FRANKLIN.

Jay to Hamilton.\*

PASSY, *September 28, 1783.*

DEAR SIR: Mr. Carter lately delivered to me your friendly letter of the 25th of July last. You was always of the number of those whom I esteemed, and your correspondence would have been both interesting and agreeable. I had heard of your marriage, and it gave me pleasure, as well because it added to your happiness, as because it tended to fix your residence in a State of which I long wished you to be and remain a citizen.

The character and talents of delegates to Congress daily become more and more important, and I regret your declining that appointment at this interesting period. Respect, however, is due to the considerations which influence you, but as they do not oppose your accepting a place in the legislature, I hope the public will still continue to derive advantage from your services. Much remains to be done, and laborers do not abound.

I am happy to hear that the terms of peace and the conduct of your negotiations give general satisfaction, but there are some of our countrymen, it seems, who are not content, and that too with an article which I thought to be very unexceptionable, viz., the one ascertaining our boundaries. Perhaps those gentlemen are latitudinarians.

The American newspapers, for some months past, contain advices that do us harm. Violences and associations against the tories pay an ill compliment to government, and impeach our good faith in the opinions of some and our magnanimity in the opinions of many. Our reputation also suffers from the apparent reluctance to taxes and the ease with which we incur debts without providing for their payment. The complaints of the army; the jealousies respecting Congress; the circumstances which induced their leaving Philadelphia; and the too little appearance of a national spirit, pervading, uniting, and invigorating the Confederacy, are considered as omens which portend the diminution of our respectability, power, and felicity. I hope that, as the wheel turns round, other and better indications will soon appear. I am persuaded that America possesses too much wisdom and virtue to permit her brilliant prospects to fade away for the want of either. But, whatever time may produce, certain it is that our reputation and our affairs suffer from present appearances.

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\* 2 Jay's Life, 132.

The tories are as much pitied in these countries as they are execrated in ours. An undue degree of severity towards them would, therefore, be impolitic as well as unjustifiable.) They who incline to involve that whole class of men in indiscriminate punishment and ruin certainly carry the matter too far. It would be an instance of unnecessary rigor and unmanly revenge without a parallel, except in the annals of religious rage in times of bigotry and blindness. What does it signify where nine-tenths of these people are buried? I would rather see the sweat of their brow fertilizing our fields than those of our neighbors, in which it would certainly water those seeds of hatred, which, if so cultivated, may produce a hedge of thorns against us. Shall all be pardoned then? By no means. Banish and confiscate the estates of such of them as have been either faithless or cruel, and forgive the rest.

Victory and peace should, in my opinion, be followed by clemency, moderation, and benevolence, and we should be careful not to sully the glory of the Revolution by licentiousness and cruelty. These are my sentiments, and however unpopular they may be, I have not the least desire to conceal or disguise them.

Be pleased to present my best compliments to Mrs. Hamilton, and believe me to be, &c.,

JOHN JAY.

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Morris to Franklin.\*

OFFICE OF FINANCE, *September 30, 1783.*

SIR: I am to acknowledge the receipt of your favors of the 7th of March and 27th of July. For both of them accept my thanks. You express an apprehension lest the union between France and America should be diminished by accounts from your side of the water. This apprehension does you equal honor as a statesman and as a man. Every principle which ought to actuate the councils of a nation requires from us an affectionate conduct towards France, and I very sincerely lament those misapprehensions which have indisposed some worthy men towards that nation whose treasure and blood have been so freely expended for us.

I believe the truth, with respect to some, to be this: A warm attachment to America has prevented them from making due allowances in those cases where their country was concerned. Under certain prepossessions it was natural for them to think that the French ministry might do more for us, and it was quite as natural for the ministers to think that we ought to have done more for ourselves. The moment of treaty with England was, of course, the moment of profession with English ministers. I fear that the impressions made by these were for a little while rather more deep than was quite necessary. But the same

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\* 6 Sparks' Dip. Rev. Corr., 647.

love of America which had raised such strong irritability where her interests were concerned will of course stimulate it to an equal degree when those interests are assailed from another quarter. I think I may venture to assure you that the esteem of this country for France is not diminished, and that the late representations have not been so unfavorable as you fear.

Our commerce is flowing very fast towards Great Britain, and that from causes which must forever influence the commercial part of society. Some articles are furnished by Britain cheaper, many as cheap, and all on a long credit. Her merchants are attentive and punctual. In her ports our vessels meet with despatch. I say nothing of language and manners, because I do not think their influence so strong on commerce as many people suppose, but what is of no little importance is that the English having formed our taste are more in a capacity to gratify that taste by the nature and fashion of their manufactures. There is another circumstance also which must not be forgotten. The great demand for French manufactures during the war increased the price of many, and some time will be required before it can by a fair competition be discovered which of the two countries, France or England, can supply us cheapest. The delays in the public bills is a further circumstance which militates (a momentary obstacle) against the trade with France.

I must, therefore, mention to you also a matter which is of great effect. Until we can navigate the Mediterranean in safety, we cannot trade in our own bottoms with the ports of France or Spain which are on that sea, and we certainly will not trade there in foreign bottoms, because we do not find the same conveniences and advantage in so doing as in our own vessels; unless, indeed, it be on board of English ships. This may be a disagreeable fact, but it is not the less a fact.

I believe that informations are transmitted hence to the court which they ought not to rely on. Their servants, doubtless, do their duty in transmitting such information, but I am persuaded that they are themselves not well informed. Indeed it is quite natural that men should mistake when they examine and treat of a subject with which they are unacquainted. And it cannot well be supposed that political characters are competent to decide on the advantages and disadvantages of allowing to or withholding from us a share in the carrying trade. On this subject I will make a further observation, and you may rely on it that I speak to you with candor and sincerity, not with a view to making any impressions on the court. You may communicate or withhold what I say, and they may or may not apply it to their own purposes. If anything will totally ruin the commerce of England with this country, it is her blind attachment to her navigation act. This act, which never was the real foundation of her naval superiority, may, and perhaps will, be the cause of its destruction. If France possesses commercial wisdom, she will take care not to imitate the conduct of her rival.

The West India Islands can be supplied twenty per cent. cheaper in American than in French or British bottoms. I will not trouble you with the reasons, but you may rely on the fact. The price of the produce of any country must materially depend on the cheapness of subsistence. The price at which that produce can be vended abroad must depend on the facility of conveyance. Now, admitting for a moment (which, by-the-by, is not true) that France might, by something like a British navigation act, increase her ships and her seamen, these things would necessarily follow: 1st. Her islands would be less wealthy, and therefore less able to consume and pay for her manufactures. 2dly. The produce of those islands would be less cheap, and therefore less able to sustain the weight of duties and support a competition in foreign markets. 3dly. The commerce with this country would be greatly lessened, because that every American ship which finds herself in a French, English, or other port will naturally seek a freight there rather than go elsewhere to look for it; because in many commodities the difference of price in different parts will not compensate the time and cost of going from place to place to look after them. To these principal reasons might be added many others of less weight, though not of little influence, such as the probable increase of commercial intercourse by increasing the connexions and acquaintances of individuals. To this and to everything else which can be said on the subject by an American I know there is one short answer always ready, viz., that we seek to increase our own wealth. So far from denying that this is among my motives, I place it as the foremost, and, setting aside that gratitude which I feel for France, I do not scruple to declare that a regard to the interests of America is, with respect to all nations of the world, my political compass. But the different nations of Europe should consider that in proportion to the wealth of this country will be her ability to pay for those commodities which all of them are pressing us to buy.

Our people still continue as remiss as ever in the payment of taxes. Much of this, as you justly observe, arises from the difficulties of collection. But those difficulties are much owing to an ignorance of proper modes and an unwillingness to adopt them. In short, though all are content to acknowledge that there is a certain burden of taxation which ought to be borne, yet each is desirous of shifting it from his own shoulders to those of his neighbors. Time will, I hope, produce a remedy to the evils under which we labor, but it may also increase them.

Your applications to the court for aid are certainly well calculated to obtain it; but I am not much surprised at your ill success. Indeed, I should have been much surprised if you had been more fortunate. Of all men I was placed in the situation to take the deepest concern in the event, but I cannot disapprove of the refusal; for we certainly ought to do more for ourselves before we ask the aid of others. Copies of your letters to the court were laid before Congress, and also the copy of the new contract. I will enclose with this a further copy of

the ratification of the old, if I can obtain it in season from Princeton, where the Congress now are.

I have written also on the subject of the debt due to the Farmers-General, and should Congress give me any orders about it, I shall attend carefully to the execution. The conduct they have maintained with regard to us has been generous, and will demand a return of gratitude as well as of justice. This I hope my countrymen will always be disposed to pay. I shall take some proper opportunity of writing to the Farmers-General, but will wait a while to know what may be the determination of Congress on their affairs. It gives me much pleasure to find that, by the proposed establishment of packets, we shall shortly be in a condition to maintain more regular and connected correspondence; for although I shall not myself be much longer in public office, I feel for those who are or will be charged with the affairs of our country, both at home and abroad. It will naturally occur, however, that a good cipher must be made use of not unfrequently when despatches are trusted to foreigners. They have no regard either to propriety or even decency where letters are concerned.

With very sincere esteem and respect, &c.,

ROBERT MORRIS.

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Morris to A. Lee.\*

OFFICE OF FINANCE, *October 4, 1783.*

SIR: I have received your letter of the 26th of last month, desiring information as to the reality of a contract with and instructions to Mr. Deane. Enclosed you have a copy of the contract mentioned. The instructions to Mr. Deane are, I presume, in the Office of Foreign Affairs.

The facts under this contract are generally as follows, so far as my knowledge extends. Money was advanced to me, which I expended in shipment of cargoes from the Delaware and Chesapeake, and have long since accounted for. Money was also advanced to Messrs. Lewis, Livingston, and Alsop, and I believe expended by some or one of them in shipments from New York and Connecticut, but the accounts are not yet closed, which is one among many reasons why a commissioner should be appointed or authorized to settle the accounts of the secret and commercial committees.

Of the several shipments made some arrived, some were taken, some were detained by the enemy's naval power. The risk becoming great, it was thought most advisable to abandon the farther prosecution of the plan, which the parties to the contract, then in this country, cheerfully consented to, and it was determined that the proceeds of those shipments which might have arrived should be carried into the general

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\* 6 Sparks' Dip. Rev. Corr., 650.

public accounts. Mr. Deane went to Europe under this contract, and being unable, from the remittances sent, to complete the intentions of his voyage, has, I believe, carried the amount of those remittances into his general accounts with the United States. These accounts are among those which Mr. Barclay is appointed to settle, and I presume that no allowance will be made, such as claimed by Mr. Deane, until he shall have produced the contract and instructions to which he refers for support of his claim; nor then, unless very completely supported or specially allowed by Congress.

I believe Mr. Barclay is now employed in making that adjustment, and I suppose that after he shall have gone through Mr. Deane's accounts, admitted such charges as ought clearly to be admitted, and rejected such as ought clearly to be rejected, there will remain some articles on which he will apply to Congress for their special decision; in which case he will naturally transmit all the evidence which Mr. Deane may have exhibited.

With perfect respect, I have the honor to be, &c.,

ROBERT MORRIS.

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Morris to Luzerne.\*

OFFICE OF FINANCE, *October 15, 1783.*

SIR: I had the honor to receive your excellency's letter of the 11th instant. If a settlement of the accounts which arose before the commencement of my administration had depended on me, neither M. Holker nor any other person should have had cause of complaint. The perplexed situation of those accounts rendered it necessary for Congress to submit them to the investigation of special commissioners, who have but lately commenced their operations. I shall immediately transmit a copy of your excellency's letter to the gentleman who may be charged with those accounts in which M. Holker is concerned, and request his attention to the subject.

That any person should suppose the apprehension of being taxed with favor to an individual would induce me to delay the justice due alike to all is so extraordinary, that your excellency must permit me to express my surprise at meeting the idea in a letter from the King's minister.

With perfect respect, I have the honor to be, &c.,

ROBERT MORRIS.

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\* 6 Sparks' Dip. Rev. Corr., 652.



Franklin to Hartley.\*

PASSY, October 16, 1783.

MY DEAR FRIEND: I have nothing material to write to you respecting public affairs, but I can not let Mr. Adams, who will see you, go without a line to inquire after your welfare, to inform you of mine, and assure you of my constant respect and attachment.

I think with you that your Quaker article is a good one, and that men will in time have sense enough to adopt it, but I fear that time is not yet come.

What would you think of a proposition, if I should make it, of a compact between England, France, and America? America would be as happy as the Sabine girls if she could be the means of uniting in perpetual peace her father and her husband. What repeated follies are those repeated wars! You do not want to conquer and govern one another. Why, then, should you be continually employed in injuring and destroying one another? How many excellent things might have been done to promote the internal welfare of each country; what bridges, roads, canals, and other useful public works and institutions, tending to the common felicity, might have been made and established with the money and men foolishly spent during the last seven centuries by our mad wars in doing one another mischief! You are near neighbors, and each have very respectable qualities. Learn to be quiet and to respect each other's rights. You are all Christians. One is *The Most Christian King*, and the other *Defender of the Faith*. Manifest the propriety of these titles by your future conduct. "By this," says Christ, "shall all men know that ye are my disciples, if ye love one another." Seek peace and insure it.

Adieu, yours, &c.,

B. FRANKLIN.

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Franklin to Hartley.†

PASSY, October 22, 1783.

I received my dear friend's kind letter of the 4th instant from Bath, with your proposed temporary convention, which you desire me to show to my colleagues. They are both by this time in London, where you will undoubtedly see and converse with them on the subject. The apprehension you mention, that the cement of the Confederation may be annihilated, &c., has not, I think, any foundation. There is sense enough in America to take care of their own China vase. I see much in your papers about our divisions and distractions, but I hear little of them

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\*2 Sparks' Dip. Rev. Corr., 488; 1 Sparks' Dip. Corr. of the United States, 371; 8 Bigelow's Franklin, 367.

†2 Sparks' Dip. Rev. Corr., 488; 1 Sparks' Dip. Corr. of the United States, 371, 8 Bigelow's Franklin, 369.

from America; and I know that most of the letters said to come from there with such accounts are mere London fictions. I will consider attentively the proposition above mentioned against the return of my colleagues, when I hope our commission will have arrived.

I rejoice to hear that your dear sister's recovery advances, and that your brother is well. Please to present my affectionate respects to them, and believe me ever, yours, &c.,

B. FRANKLIN.

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Morris to Willink & Co.\*

OFFICE OF FINANCE, *October 23, 1783.*

GENTLEMEN: Upon taking a view of my various engagements for the public service, and considering the great anticipations which have been made at the period when our brave army quitted the field, it has appeared to me that the sum of about three hundred thousand dollars would be necessary for me, over and above the probable produce of our taxes, to clear off all those engagements, and enable me to lay down the burdens of official life in a consistent and proper manner, should the situation of public affairs then admit of it. This circumstance, however nearly it interests my personal feelings, is still more interesting to my country; because a regular and punctual performance of engagements, while it establishes confidence, ensures the means of future punctuality.

Revolving much on this subject in my own mind, I have been led to consider also that the present rate of exchange, which is very favorable, may not continue when tobacco, rice, indigo, and the other produce of the southern States shall be freely exported in remittances to Europe. And if the exchange should lower, there will be a loss on the bills of the United States, which I would always wish to prevent. Besides this, there is another important circumstance, which is, that if the drafts are suspended until notice of the success of your loan, so as to lodge the money, the public will be paying interest both here and in Europe for the same sum; which ought, you know, as much as possible to be avoided.

Under these different impressions, the natural conduct would have been to vend my bills very boldly, and trust to the success of those exertions which you will undoubtedly make. But here it was proper to consider, that if unforeseen circumstances should in any manner have put a check upon your operations, the consequence might have been a very great inconvenience, and perhaps injury, to you, which I would always wish to avoid, together with a loss of credit, coupled with the payment of heavy damages to the United States.

I have therefore adopted a middle line of conduct, which will combine the advantages and avoid the inconveniences both of delay and of pre-

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\* 6 Sparks' Dip. Rev. Corr., 652.

cipitation. I have drawn three sets of exchange, all dated on the 21st instant (the time when they were drawn), and each for two hundred and fifty thousand current guilders, payable at one hundred and fifty days' sight. These bills are numbered one hundred and ninety-one, one hundred and ninety-two, and one hundred and ninety-three; the first in favor of John Ross, the second in favor of Peter Whiteside & Co., and the third in favor of Isaac Hazelhurst. All these are solid houses, upon whose fidelity and punctuality I can place equal dependence. I have taken from them proper stipulations to pay at the end of one hundred and twenty days each one hundred thousand dollars; by which means I have secured the immediate vent of that sum at the very highest exchange. And it is further agreed between us that in case of protest (which God forbid should happen), the public shall not be charged with damages; the necessary consequence of which is that the bills will not be negotiated further than to place the amount in the hands of their friends which is, indeed, fully understood between us. You will see also that in this mode I shall bring to the public use here (allowing about two months for the bills to be presented) the sum of three hundred thousand dollars near three months before it is paid by you.

From this explanation, which I have entered into in order to show you the full grounds of my procedure, because I knew how much more satisfactorily business is conducted when all circumstances are known, you will perceive that my bills already advised of are first to meet due honor, and consequently funds set apart for their absolvment. These three new bills then come in their course, and I must entreat you, gentlemen, to honor them also, even if you have not the funds, provided a view of fair prospects can render it at all consistent with that prudence which must doubtlessly influence you in such important concerns. I must also request that you will give me by various conveyances the most immediate notice of your acceptance, because I shall from that moment be able by discount to bring the securities given by those gentlemen into operation.

I am, sir, with perfect respect, &c.,

ROBERT MORRIS.

*Boudinot, President of Congress, to Van Berckel.\**

PRINCETON, *October 24, 1783.*

SIR: It was not till this evening that I had the honor of your excellency's letter of the 19th instant, by which I have the happiness of being informed of your safe arrival, after a very tedious passage.

Permit me most sincerely to congratulate your excellency on this happy event, big with the best consequences to both our nations.

As soon as your arrival was but rumored here, my steward was

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\* MSS. Dep. of State; 3 Sparks' Dip. Corr. of the United States, 389.

ordered to do everything in his power—to furnish you with my house, and anything he had in his power for your accommodation. I hope he has fulfilled my expectations.

This will be handed you by Mr. Sterett, my secretary, who is sent for this purpose, that you may be informed of my being honored with your favor.

Congress will sit to-morrow, when I shall announce to them the news of your excellency's arrival, which I am assured will give them very great pleasure. Their determination on the subject of your audience shall be transmitted without delay.

My secretary will proffer you every service in his power, and at the same time personally assure your excellency of my joy on your safe arrival, and the pleasure I shall take in making your residence with us as agreeable as this infant country will admit.

I have the honor to be, &c.,

ELIAS BOUDINOT.

**Extract from the Secret Journal of Foreign Affairs.**

SATURDAY, *October 25, 1783.*

The President having this day laid before Congress a letter from the honorable P. J. Van Berckel, enclosing a copy of a letter of credence, by which it appears that he is appointed minister plenipotentiary from their high mightinesses the States-General of the United Netherlands to the United States of America, and the said minister having requested to be informed when and where Congress will admit him to an audience:

*Resolved*, That the said honorable P. J. Van Berckel be received as minister plenipotentiary from their high mightinesses the States-General of the United Netherlands, and that, agreeably to his request, he be admitted to a public audience in Congress.

That the Congress room in Princeton, on Thursday next, at noon, be appointed as the time and place for such audience.

That the Superintendent of Finance and Secretary at War, or either of them, perform on this occasion the duties assigned to the Secretary for Foreign Affairs in the ceremonial respecting foreign ministers, and that they inform the supreme executives of New Jersey and Pennsylvania, his excellency the commander in chief, the honorable and minister plenipotentiary of France, and such civil and military gentlemen as are in or near Princeton, of the public audience to be given to the honorable the minister plenipotentiary of their high mightinesses the States-General of the United Netherlands.

*Ordered*, That the Superintendent of Finance and Secretary at War, or either of them, take order for an entertainment to be given at the public expense to the honorable P. J. Van Berckel, minister plenipotentiary from their high mightinesses the States-General of the United Netherlands to the United States of America on Thursday next, the day assigned for the public audience of the said minister.

Boudinot, President of Congress, to Van Berckel.\*

PRINCETON, *October 25, 1783.*

SIR: I had the honor this morning of announcing your arrival at Philadelphia to the United States in Congress assembled. They expressed the greatest satisfaction on this very happy and important event; and notwithstanding their being at present engaged by several very great national questions, they immediately took into consideration this agreeable communication, and lest the expiration of the time of the present Congress, which takes place next Monday sevensnight, should be the cause of any unnecessary delay in your acknowledgment and audience, they have determined on Thursday next for this important purpose.

I do myself the honor of enclosing a copy of their act on this occasion, together with a copy of the ceremonial established for the reception of foreign ministers, for your information.†

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\* 3 Sparks' Dip. Corr. of the United States, 392.

† A COPY OF THE CEREMONIAL ON THE RECEPTION OF FOREIGN MINISTERS, WITH WHICH MR. VAN BERCKEL WAS FURNISHED BY ORDER OF CONGRESS.

When a minister plenipotentiary or envoy extraordinary shall arrive within any of the United States, he shall receive at all places where there are guards, sentries, and the like such military honors as are paid to a general officer of the second rank in the armies of the United States.

When he shall arrive at the place in which Congress shall be, he shall wait upon the President and deliver his credentials, or a copy of them. Every minister, on his being admitted to his first audience, shall be introduced by the Secretary for Foreign Affairs to a seat provided for him, facing the President of Congress, the President and members being seated and the President covered, the minister being uncovered, and so to remain, unless he be of the rank of an ambassador.

The minister, being seated shall deliver his letter of credence to the secretary of Congress, by his own secretary, who shall stand by him during his audience. If the minister chooses to address Congress, he shall rise when he speaks.

The letter of credence being delivered by the secretary of Congress to the interpreter, when such officer shall be necessary, he shall read it in its own original language, and then present a translation of it to the secretary of Congress, who shall read the same; upon which the President, after reading his answer uncovered, shall deliver the same to the secretary of Congress, who shall present it to the minister, who shall rise to receive it.

The minister then shall be reconducted to his carriage by the Secretary for Foreign Affairs.

If the minister is of the rank of an ambassador ordinary or extraordinary, he shall be covered when he takes his seat; in that case, too, the President shall rise when the ambassador is introduced, and also when he reads his answer.

In any subsequent public audience of a foreign minister the same ceremonial shall be observed, except so far as relates to the delivery and reading the credentials.

Every minister, after his first audience, shall pay the first visit to the President and other members of Congress.

A foreign minister, on his arrival at the place where Congress shall reside, shall be informed by the Secretary for Foreign Affairs that if in any audience he shall choose to speak, it will be necessary previously, to deliver in writing to the President what he intends to say at the audience; and if he shall not incline thereto, it will, from

It would give me pleasure to know the day of your leaving Philadelphia. As your attention on Thursday will be devoted to Congress, in their collective capacity, shall I solicit the honor of your company, and that of your suite, at dinner on Friday?

We feel ourselves greatly mortified that our present circumstances, in a small country village, prevent us giving you a reception more agreeable to our wishes; but I hope the unavoidable deficiencies will be compensated by the sincerity of our joy on this occasion.

I have the honor to be, &c.,

ELIAS BOUDINOT.

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Van Berckel to the President of Congress.\*

[Translation.]

PHILADELPHIA, *October 26, 1783.*

SIR: I have just received the letter with which your excellency honored me, dated the 25th October, with the enclosures. No one could be more sensibly affected than I am with those proofs of your excellency's goodness.

If I did not fear to importune your excellency, I would request that Congress would be pleased to change the designated day of audience to Friday or Saturday next. If your excellency believes that Congress will accede to this delay, which will relieve me from much embarrassment, allow me to request a reply.

I have the honor to be, &c.,

P. J. VAN BERCKEL.

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Boudinot, President of Congress, to Van Berckel.†

PRINCETON, *October 27, 1783.*

SIR: Your polite favor of last evening has been just delivered to me.

Congress are not sitting, but I will undertake to assure you that the intended audience shall be adjourned till Friday next. Congress, being very desirous of making every measure altogether agreeable to you, would no doubt be as ready to have put it off till Saturday; but that being the last day of our annual existence, there will not be any

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the constitution of Congress, be impracticable for him to receive an immediate answer.

All speeches or communications in writing may, if the public minister choose it, be in the language of their respective countries, and all replies or answers shall be in the language of the United States.

\* 3 Sparks' Dip. Corr. of the United States, 393.

† MSS. Dep. of State; 3 Sparks' Dip. Corr. of the United States, 393.

house on that day by reason of the necessary and unavoidable absence of a number of members.

I did myself the honor of writing the substance of this by a private opportunity a few minutes ago ; but lest any unnecessary delay should happen I send this by express.

I have the honor to be, &c.,

ELIAS BOUDINOT.

Congress to the Peace Commissioners.\*

OCTOBER 29, 1783.

*By the United States in Congress assembled, to the Commissioners of the United States of America at the court of Versailles, empowered to negotiate a peace, or to any one or more of them :*

1st. You are instructed and authorized to announce to his Imperial majesty the Emperor of Germany, or to his ministers, the high sense which the United States in Congress assembled entertain of his exalted character and eminent virtues, and their earnest desire to cultivate his friendship, and to enter into a treaty of amity and commerce for the mutual advantage of the subjects of his Imperial majesty and the citizens of these United States.

2dly. You are instructed to meet the advances and encourage the disposition of the other commercial powers in Europe for entering into treaties of amity and commerce with these United States. In negotiations on this subject you will lay it down as a principle, in no case to be deviated from, that they shall respectively have for their basis the mutual advantage of the contracting parties on terms of the most perfect equality and reciprocity, and not to be repugnant to any of the treaties already entered into by the United States with France and other foreign powers. That such treaties shall, in the first instance, be proposed for a term not exceeding fifteen years, and shall not be finally conclusive until they shall respectively have been transmitted to the United States in Congress assembled for their examination and final direction; and that with the drafts or propositions for such treaties shall be transmitted all the information which shall come within the knowledge of the said ministers respecting the same, and their observations after the most mature inquiry on the probable advantages or disadvantages and effects of such treaties respectively.

3dly. You are instructed to continue to press upon the ministers of his Danish majesty the justice of causing satisfaction to be made for the value of the ships and goods captured by the *Alliance* frigate and sent into Bergen, and how essentially it concerns the honor of the United States that their gallant citizens should not be deprived of any part of those prizes which they had so justly acquired by their valor.

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\* 5 Sparks' Dip. Rev. Corr., 545.

That, as far as Congress have been informed, the estimate of those prizes at fifty thousand pounds sterling is not immoderate; that no more, however, is desired than their true value, after every deduction which shall be thought equitable. That Congress have a sincere disposition to cultivate the friendship of his Danish majesty, and to promote the commercial intercourse between his subjects and the citizens of the United States on terms which shall promise mutual advantage to both nations. That it is, therefore, the wish of Congress that this claim should be still referred to the equitable disposition of his Danish majesty, in full confidence that the reasonable expectations of the parties interested will be fully answered; accordingly, you are fully authorized and directed, after exerting your best endeavors to enforce the said claim to the extent it shall appear to you to be well founded, to make abatements if necessary, and ultimately to accept such compensation as his Danish majesty can be prevailed upon to grant.

4thly. You are further instructed to inquire and report to Congress the reason why the expedition of the *Alliance* and *Bon Homme Richard*, and the squadron which accompanied them, was carried on at the expense and on account of the court of France; whether any part of the profit arising therefrom accrued to the United States; or any of the expense thereof has been placed to their account; whether the proceeds of any of the prizes taken in that expedition, and which is due to the American officers and seamen employed therein, is deposited in Europe; and what amount, where, and in whose hands.

5thly. The acquisition of support to the independence of the United States having been the primary object of the instructions to our ministers respecting the convention of the neutral maritime powers for maintaining the freedom of commerce, you will observe that the necessity of such support is superseded by the treaties lately entered into for restoring peace. And although Congress approve of the principles of that convention, as it was founded on the liberal basis of the maintenance of the rights of neutral nations and of the privileges of commerce, yet they are unwilling at this juncture to become a party to a confederacy which may hereafter too far complicate the interests of the United States with the politics of Europe; and therefore, if such a progress is not already made in this business as may render it dishonorable to recede, it is the desire of Congress and their instruction to each of the ministers of the United States at the respective courts in Europe that no further measures be taken at present towards the admission of the United States into that confederacy.

6thly. The ministers of these states for negotiating a peace with Great Britain are hereby instructed, authorized, and directed to urge forward the definitive treaty to a speedy conclusion; and unless there shall be an immediate prospect of obtaining articles or explanations beneficial to the United States in addition to the provisional articles, that they shall agree to adopt the provisional articles as the substance of a definitive treaty of peace.



7thly. ~~The minister or ministers of these United States for negotiating a peace~~ are hereby instructed to negotiate an explanation of the following paragraph of the declaration acceded to by them on the 20th of January, 1783, relative to captures, viz: "That the term should be one month from the channel and North Sea as far as the Canary Islands, ~~inclusive, whether in the ocean or the Mediterranean.~~"

8thly. Mr. Jay is hereby authorized to direct Mr. Carmichael to repair to Paris, should Mr. Jay be of the opinion that the interest of the United States at the court of Madrid may not be injured by Mr. Carmichael's absence; and that Mr. Carmichael carry with him the books and vouchers necessary to make a final and complete settlement of the accounts of public moneys which have passed through the hands of Mr. Jay and himself; and that Mr. Barclay attend Mr. Jay and Mr. Carmichael to adjust those accounts.

9thly. Mr. Jay has leave to go to Bath, should he find it necessary for the benefit of his health.

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Boudinot, President of Congress, to J. Adams.\*

PRINCETON, November 1, 1783.

SIR: I have the honor of acknowledging the receipt of your several public letters, under the dates of June the 23d to July the 18th inclusive, by Captain Barney. Nothing is done in consequence of these letters but what is contained in the instructions enclosed in my official letter by this opportunity to the commissioners jointly.

Congress have not come to any further determination on your last letters relative to your resignation on account of the peace arrangement not being yet settled. Perhaps there will be but very few ministers employed in Europe, and these in the character of residents, or simply ministers. The conduct of great Britain does not appear yet very conciliating, and her measures on this side of the water have rather tended to irritate than otherwise. Congress will not be in a hurry to send a minister to the court of London till they see how the definitive treaty will end. We have an account this day from Colonel Ogden that it was signed on the 3d of September, and that Mr. Thaxter is on his way with it, whom we long to see.

Your letters on the subject of our credit abroad and the strengthening and cementing the union at home came at a happy moment, and have had a very good effect. Your countrymen were running wild on this subject, but your observations and opinion have helped to check them, and the legislature of Massachusetts have passed the five per cent. impost recommended by Congress. M. Van Berckel is arrived, and yesterday received his first public audience of Congress. His address and our answer I send to the commissioners jointly. He appears

That, as far as Congress have been informed, the estimate of those prizes at fifty thousand pounds sterling is not immoderate; that no more, however, is desired than their true value, after every deduction which shall be thought equitable. That Congress have a sincere disposition to cultivate the friendship of his Danish majesty, and to promote the commercial intercourse between his subjects and the citizens of the United States on terms which shall promise mutual advantage to both nations. That it is, therefore, the wish of Congress that this claim should be still referred to the equitable disposition of his Danish majesty, in full confidence that the reasonable expectations of the parties interested will be fully answered; accordingly, you are fully authorized and directed, after exerting your best endeavors to enforce the said claim to the extent it shall appear to you to be well founded, to make abatements if necessary, and ultimately to accept such compensation as his Danish majesty can be prevailed upon to grant.

4thly. You are further instructed to inquire and report to Congress the reason why the expedition of the *Alliance* and *Bon Homme Rickard*, and the squadron which accompanied them, was carried on at the expense and on account of the court of France; whether any part of the profit arising therefrom accrued to the United States; or any of the expense thereof has been placed to their account; whether the proceeds of any of the prizes taken in that expedition, and which is due to the American officers and seamen employed therein, is deposited in Europe; and what amount, where, and in whose hands.

5thly. The acquisition of support to the independence of the United States having been the primary object of the instructions to our ministers respecting the convention of the neutral maritime powers for maintaining the freedom of commerce, you will observe that the necessity of such support is superseded by the treaties lately entered into for restoring peace. And although Congress approve of the principles of that convention, as it was founded on the liberal basis of the maintenance of the rights of neutral nations and of the privileges of commerce, yet they are unwilling at this juncture to become a party to a confederacy which may hereafter too far complicate the interests of the United States with the politics of Europe; and therefore, if such a progress is not already made in this business as may render it dishonorable to recede, it is the desire of Congress and their instruction to each of the ministers of the United States at the respective courts in Europe that no further measures be taken at present towards the admission of the United States into that confederacy.

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PRINCETON, *November 1, 1783.*

SIR: I have the honor of acknowledging the receipt of your several public letters, under the dates of June the 23d to July the 18th inclusive, by Captain Barney. Nothing is done in consequence of these letters but what is contained in the instructions enclosed in my official letter by this opportunity to the commissioners jointly.

Congress have not come to any further determination on your last letters relative to your resignation on account of the peace arrangement not being yet settled. Perhaps there will be but very few ministers employed in Europe, and these in the character of residents, or simply ministers. The conduct of great Britain does not appear yet very conciliating, and her measures on this side of the water have rather tended to irritate than otherwise. Congress will not be in a hurry to send a minister to the court of London till they see how the definitive treaty will end. We have an account this day from Colonel Ogden that it was signed on the 3d of September, and that Mr. Thaxter is on his way with it, whom we long to see.

Your letters on the subject of our credit abroad and the strengthening and cementing the union at home came at a happy moment, and have had a very good effect. Your countrymen were running wild on this subject, but your observations and opinion have helped to check them, and the legislature of Massachusetts have passed the five per cent. impost recommended by Congress. M. Van Berckel is arrived, and yesterday received his first public audience of Congress. His address and our answer I send to the commissioners jointly. He appears

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\* 8 J. Adams' Works, 153.

to justify the high opinion we had formed of the wisdom of the States of the United Netherlands. Their choice of a minister so consonant to the temper and manners of the citizens of these States shows their judgment and prudence. We are much pleased with this gentleman, and, as far as I can judge from present appearances, I may venture to predict that he will cement the union of the two Republics.

I shall leave the chair of Congress on Monday, and return to private life at Elizabethtown, after almost eight years spent in the service of my country. I rejoice to have seen the end of all our labors so happily accomplished, and shall ever revere those great men who have lent a helping hand to the glorious work. In private or public life I shall always be glad of the honor of a line from you, sir, if but to announce your health and welfare.

I have the honor to be, &c.,

ELIAS BOUDINOT.

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Boudinot, President of Congress, to the Ministers Plenipotentiary of the United States of America.\*

PRINCETON, *November 1, 1783.*

GENTLEMEN: I am honored by the commands of Congress to transmit you a set of instructions in consequence of your joint and separate letters of the months of June and July last by Captain Barney, which I do myself the honor to enclose. These were not finished till the 29th ult. after having undergone the most mature deliberation and fullest discussion in Congress.†

Yesterday we received from Colonel Ogden the news of the signature of the definitive treaty on the 3d of September, and that Mr. Thaxter was on the way with the official news. We long for his arrival, though we have no doubt of the fact, which is also announced by the post this day from Boston.

I do most sincerely congratulate you, gentlemen, on this most important and happy event, which has diffused the sincerest joy throughout these States, and the terms of which must necessarily hand down the names of its American negotiators to posterity with the highest possible honor. May the gratitude of your country ever be the fair reward of all your labors.

New York is not yet evacuated, but Sir Guy Carleton has informed our commander in chief that he shall get clear of it in all this month, though I think they will not dare to stay much beyond the 15th instant.

Yours, &c.

E. B.

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\* MSS. Dep. of State.

† See these instructions *supra*, October 29, 1783.

## Franklin to the President of Congress.\*

PASSY, November 1, 1783.

SIR, Enclosed is a copy of my last, which went by the English packet. I heard after I wrote it that the French packet putting back by contrary winds, Mr. Thaxter had an opportunity of getting on board her, and that she sailed the 26th of September.

The mentioned new commission is not yet come to hand. Mr. Hartley is not returned, and I hear will stay for the meeting of Parliament, which is to be the 11th instant, and he will not come hither till the recess for the Christmas holidays. Mr. Jay went to England about three weeks since on some personal affairs; and Mr. Adams followed last week to see that country, and take some exercise during this vacancy of business.

This court is now at Fontainebleau, but will return to Versailles in a few days. Its good disposition towards us continues. The late failure of payment in the Caisse d'Escompte, an institution similar to the Bank of England, occasioned partly by its having gone too far in assisting the government with money, and the inability of the government to support their credit, though extremely desirous of doing it, is a fresh proof that our not obtaining a further loan was not occasioned by want of good will to assist us, as some have unjustly supposed, but by a real want of the means. Money is at present unaccountably scarce here; what is arrived and expected in Spain since the peace it is thought will set things right. The government has proposed a second lottery for this year, by which they borrow twenty-four millions, and it is filled readily. This helps, and the Caisse d'Escompte goes on again with its operations, but it is said the interest paid by the lottery plan is nearly seven per cent.

I have received the duplicates of your excellency's letter of the 15th of July to the commissioners, which is very satisfactory, though it came to hand but lately. The first sent, via New York, has not yet appeared. I have sent copies of it to The Hague and Madrid. The substance is published in several papers.

I have acquainted the minister of Sweden that I have received the ratification of the treaty, and he has written to me that he shall be in town in a few days, when he will make the exchange. The conclusion of the Danish treaty waits only for the commission and instructions from Congress. The ambassador of Portugal informed me lately that his court had our proposed plan under consideration and that we should soon hear from them. I sent it to Congress by Barney, and hear the ship has arrived. A commission and instructions will be wanting for that also, should the Congress be disposed to conclude a treaty with that nation.

I see by the public prints that the Congress have ratified the con-

\* MSS Dep. of State; 2 Sparks' Dip. Rev. Corr., 489; 8 Bigelow's Franklin, 370.

tract I made with the minister here respecting the loans and aids we had received, but the ratification itself, though directed to be sent to me, has never come to hand, and I am often asked for it. I beg it may be forwarded by the first opportunity.

There has been with me lately M. Pierre du Calvet, a merchant of Montreal, who, when our army was in Canada, furnished our generals and officers with many things they wanted, taking their receipts and promissory notes for payment; and when the English repossessed the country he was imprisoned, and his estate seized, on account of the services he had rendered us. He has shown me the originals of his papers, which I think are genuine. He produced also a quantity of Congress paper, which he says he received in payment for some of the supplies, and which appeared to me of our first emissions, and yet all fresh and clean, as having passed through no other hands. When he was discharged from prison he could not obtain permission to go into the United States to claim the debt, but was allowed to go to England, and from thence he came hither to solicit payment from me. Having no authority to meddle with such debts, and the sum being considerable, I refused, and advised him to take passage for America, and make his application to Congress. He said he was grown old, much broken and wearied by near three years' imprisonment, and that the voyage from Canada to London had like to have been too much for him, he being sick all the way; so that he could not think of another, though distressed for want of his money. He appears an honest man, and his case a hard one. I have therefore undertaken to forward his papers, and I beg leave to recommend them to the speedy consideration of Congress, to whom I request you would be pleased to present my dutiful respects, and assure them of my most faithful services.

With great esteem and regard, &c.,

B. FRANKLIN.

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Luzerne to the President of Congress.\*

[Translation.]

PHILADELPHIA, *November 2, 1783.*

SIR: I have received the letter which your excellency did me the honor to write to me on the 27th ultimo, and the resolutions of Congress which were annexed to it, and which express the sentiments of Congress with relation to the dispositions of his majesty and the other belligerent powers not to sign the definitive treaty except in concert with the United States. It appears by the last news received that this conduct has produced the desired effect, and that it has, in fine, been followed by a general peace.

The United States may be assured that his majesty will adopt with

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\* MSS. Dep. of State; 6 Sparks' Dip. Rev. Corr., 125.

pleasure all commercial arrangements which may be advantageous to them, and which will not be prejudicial to his subjects. I also know that it is his majesty's intention that the United States should enjoy in the ports of his kingdom not only all the advantages which they enjoyed before their independence, but even some favors which have not heretofore been granted to them.

I have the honor to be, &c.,

LUZERNE.

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Morris to Jay.\*

PHILADELPHIA, *November 4, 1783.*

DEAR SIR: I hear your health has mended since the date of your last letter of the 20th July, and rejoice at it. Your distant friends suffer irreparable injury if you are indisposed to write; those who write so well should write often, and even your short letters say so much in so few words that it is impossible not to wish for them if longer ones can not be had. I acknowledge the force of all your observations on my intended resignation, and know the necessity of perseverance so long as there is a prospect of being useful; but you must also acknowledge that it is folly in the extreme to continue in the drudgery of office after you see clearly that the public can not be benefited; your own affairs suffering, your feelings daily wounded, and your reputation endangered by the malice and misrepresentation of envious and designing men. During the war I was determined to go through with the work I had undertaken, and although my resignation was made before the signing of the provisional treaty was known, yet I made no hesitation to declare to a committee of Congress that if the war lasted I would continue. The war, however, ceased; Congress feared to dismiss their army without some pay; they had not money, and could only make payment by paper anticipation, and even this could not be effected without my assistance. I was urged to continue and forced into that anticipation. The army was dispersed, and since their departure the men who urged these measures most, and who are eternally at war with honor and integrity, have been continually employed in devising measures to prevent my being able to fulfill my engagements, in hopes of effecting my ruin in case of failure. I must, however, in justice to the majority of Congress, which has ever been composed of honest men, declare that the faction I allude to is but inconsiderable in numbers, although they make themselves of some consequence by this assiduity. You know the \*

\* \* &c. I should disregard these men totally if I found a disposition in the several legislatures to support national faith, credit, and character, but unhappily there is at present a total inattention on their

part. I am, however, persuaded that sooner or later the good sense of America will prevail, and that our government will be entrusted in the hands of men whose principles will lead them to do justice and whose understandings will teach the value of national credit. This may be too long in coming to pass, at least for me, and therefore you may rest assured that I quit all public employ the moment my engagements are fulfilled.

The court of France having refused the last sum asked, I do not wish to trouble them further. I am not sensible of having at any time made an improper application either as to *substance* or *manner*. Those who are solicited in such cases are in the situation to make whatever objections they find convenient. I wish however that the ministers in France were sensible of one truth, which is, that my administration either saved them a good deal of money or a great deal of disgrace; for if I had not undertaken it when I did they must either have advanced ten times the amount I received or have deserted America after having undertaken her cause, and perhaps have been obliged to subscribe to very indifferent terms of peace for themselves.

It is happy for me that the loan in Holland stepped in to our relief after the refusal of the court to grant the moderate sum of 3,000,000 livres at the concluding point. This refusal was ill-timed and impolitic. I could show resentment with some effect if I were so disposed, but so far from it, I retain a grateful remembrance of past favors, and make a point to promote the commercial intercourse between France and this country. I must also show my sense of the obligations conferred on us by the Hollanders. We hear that the definitive treaty is signed. I long to see it, for you may depend that unless some new articles are added respecting our intercourse with the British West Indies it will be both a work of difficulty and time to carry measures that will justify your opinion of us. I thank you for the kind sentiments which you express of me in several parts of your letters. I will endeavor to deserve them. I do not know whether Gouverneur writes to you by this opportunity; you must cherish his friendship; it is worth possessing. He has more virtue than he shows and more consistency than anybody believes. He values you exceedingly, and hereafter you will be very useful to each other. Mrs. Morris will write to Mrs. Jay and say for herself what she has to say, though I don't believe she will tell her, as she does to everybody else, the high estimation in which she holds Mrs. Jay and yourself. Permit me also, my worthy friend, to assure you both of the sincerity of that affection with which I profess myself, &c., &c.

ROBERT MORRIS.



Morris to the Farmers-General of France.\*

OFFICE OF FINANCE, *November 4, 1783.*

GENTLEMEN: The honorable minister plenipotentiary of the United States of America to the court of Versailles having done me the honor to transmit a copy of your letter to him of the 17th of July last, I took the earliest opportunity after the receipt of it to submit that business to the consideration of Congress; who by their act of the 1st instant, whereof a copy is enclosed, have instructed me to inform you that Congress are sensible of your generous attention to the circumstances of the war in which these United States have been so long engaged, and which, interrupting their commerce, deprived them of the means of seasonable remittances to satisfy the balance so justly due on the loan made by you.

I am further instructed, gentlemen, to assure you that the United States in Congress assembled, in providing for the national debt by their act of the 18th day of April, 1783, were not unmindful of your demands, and that when the system thereby adopted for the relief of public creditors shall have taken effect, the interest accruing on the balance due to you will be punctually remitted.

If, gentlemen, this arrangement shall not prove satisfactory to you, I am further instructed to assure you in the name of the United States that all the means in their power shall be employed to discharge the principal sum due to you as soon as the condition of the public finances will admit.

I have the honor to enclose a copy of the above-mentioned act of the 3th of April for your better information on this subject, and take the liberty to add, gentlemen, to the assurances just given on the part of your sovereign, that every effort in my power shall be made to comply with such ulterior orders as may be issued, as well as to render you any acceptable services in my power.

With perfect respect, I have the honor to be, &c.

ROBERT MORRIS.

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Morris to J. Adams.†

OFFICE OF FINANCE, *November 5, 1783.*

: I am honored with your excellency's favor of the 28th of July, Amsterdam, for which I pray you to accept my acknowledgments. I am perfectly in sentiment with you that it is best to avoid government interference in the affair of our loan. If there were no other, I should not like the demand of grateful acknowledgment which has been erected on that foundation. We hear enough already of our

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\* 6 Sparks' Dip. Rev. Corr., 654.

† 6 Sparks' Dip. Rev. Corr., 663; 8 J. Adams' Works, 154.

national obligations, and I most heartily wish, for my own part, that we could at once acquit them all, even to the uttermost farthing, for I seriously believe that both nations and individuals generally prove better friends when no obligations can be charged nor acknowledgments and retributions claimed on either side.

I am also very strongly in opinion with you that remittances from this country would greatly uphold our credit in Europe, for in mercantile life nothing vivifies credit like punctuality and plenteousness of remittance. The plan you propose to obtain them might also be attended with some good consequences; but there are impediments in the way of its success which it would be tedious to detail, and which, indeed, you could not be so perfectly master of without being on the spot. I shall not, therefore, go into that matter at present, and the more especially as we have now good hopes that the plan of Congress will be adopted by the States. Last evening I received advice that Massachusetts had acceded, and I have a double pleasure in announcing this to you, as they certainly would not have come in but for the sentiments contained in your letters.

Let me, then, my dear sir, most heartily congratulate you on those virtuous emotions which must swell your bosom at the reflection that you have been the able, the useful, and, what is above all other things, the honest servant of a republic indebted to you in a great degree for her first efforts towards an independent existence. That you may long live to enjoy those pleasing reflections which flow from the memory of an active and beneficial exercise of time and talents, is the sincere wish of your most obedient and humble servant,

ROBERT MORRIS.

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Morris' Report to Congress on an Extract from the Journals of the General Assembly of Pennsylvania.\*

OFFICE OF FINANCE, *November 5, 1783.*

The superintendent of finance, to whom was referred an extract from the journals of the General Assembly of Pennsylvania, begs leave to report:

That the said extract consists of two parts; the former whereof contains certain matters reported by a committee of that honorable house, in consequence of a conference held with the commissioner for settling the accounts of the said State, the which matters are reported by the committee, and appear to have been considered by the house as facts. The latter part contains reasonings upon the former and resolutions in consequence thereof. Pursuing, therefore, the same line, the superintendent of finance must take leave to observe, that the former part of the said extract implies an inattention on his part to the orders of the United States in Congress, and an assumption of powers not dele-

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\*MSS. Dep. of State; 6 Sparks' Dip. Rev. Corr., 635, with verbal changes.

gated. He humbly prays to submit both of these charges to the wisdom and equity of Congress, who have long since had before them all the instructions given to the commissioners for settling accounts, together with a report on the reference mentioned in the extract; wherefore, it is to be presumed that, if undue negligence or the arrogating of power had appeared, it would not have passed unnoticed.

It is further to be observed, that the doubts stated by the said commissioner, and the difficulties under which he is supposed to labor, must have chiefly originated in circumstances peculiar to himself, because that such doubts and difficulties have not occurred to the commissioners in other States, and because they would easily have been obviated by a careful consideration of the acts and instructions in his possession, excepting only in one point, viz: "Whether charges for buildings, fences, wood, &c., damaged or destroyed by continental troops or militia, are to be allowed!" This question (which can only be resolved by special act of Congress) is not to be found among twelve questions proposed by the commissioner to Congress, but among nine proposed to the superintendent of finance.

It is stated in the said extract "that, by the instructions from the office of finance to the said commissioner, he is enjoined a strict attention to the resolve of Congress of the 23d of August, 1780, *touching all certificates generally*; that this resolve introduces an entire new method of granting certificates; that to require those new forms in certificates granted before they were instituted is requiring an impossibility, or (in other words) is *a refusal to liquidate any certificate given before the 23d of August, 1780.*" Were this the case, doubtless there would be sufficient cause of complaint and sharp animadversion; but the acts and instructions, all which are in possession of Congress, will show the state of facts to be as follows: The act of Congress of the 20th of February, 1782, speaking of the commissioner, contains the following words: "That he be also fully empowered and directed to liquidate and settle, in specie value, all certificates given for supplies by public officers to individuals, and other claims against the United States by individuals for supplies furnished the army, the transportation thereof, and contingent expenses thereon, within the said State, according to the principles of equity and good conscience, *in all cases which are not or shall not be provided for by Congress.*" Under this act of Congress the controller of the treasury issued certain instructions, which were approved of by the superintendent of finance, thereby directing each of the several commissioners "to open an account with the principal of each department for the time being, and with every person who is properly accountable for articles purchased by or delivered to him, in which *they must be charged respectively with all such articles, and for which they are to account with the commissioners appointed or to be appointed to adjust the accounts of these departments respectively.*"

The superintendent of finance, in a letter to the commissioners of

the 7th of September, 1782, after referring to the controller's instructions, calls their attention to two particulars, the former whereof is not material to the present point, and the latter is as follows: "In settling the accounts with individuals, you will consider *that artful men have frequently taken advantage of the public*, and that, in many instances, public officers have taken advantage of the weak and unprotected. You will therefore always remember that *it is your duty to do justice*." The two commissioners who were first appointed, after considering the acts of Congress and the several instructions given to them, proposed, among others, the following question: "Whether certificates given to individuals are to be taken as they stand and new ones given for their amount, or whether they are to be reëxamined, and new prices affixed to the articles *when they have been over or under charged?*" The superintendent and controller entered into a consultation together, and the following answer was returned: "Certificates given by quartermasters or commissioners to individuals must be reëxamined, the articles shown, and their value determined, *that the receiver of them may be charged and made accountable to the commissioners appointed for the respective departments*. (See resolutions of Congress of the 23d of August, 1780, relating to them, which must be strictly attended to.")

This question and answer is regularly transmitted by the controller to all the commissioners appointed to adjust the accounts between the individual States and the Union. The commissioner for the State of Pennsylvania had, therefore, the matters above recited in his possession when he proposed to Congress the following questions: "Are certificates or receipts given by quartermasters, commissaries, their deputies, assistants, agents, or other public officers, for supplies furnished before the 15th of September, 1780, to be taken as they stand, and new ones given for their amount estimated in specie? Are certificates issued agreeable to the mode prescribed by resolution of Congress 23d of August to be taken up and new ones given?" These questions were (among others) referred to the superintendent of finance, who thereupon informed the commissioner that the answer thereto was in the act of Congress, the letter from the superintendent, and the question and answer above quoted. Surely there is nothing in either which *requires the forms prescribed by the act of the 23d of August, 1780, in certificates granted before they were instituted*. The commissioner is indeed referred to that act, and directed to pay attention to it; but the evident construction of this order limits it to certificates issued under the act. And even if that were not the case, yet when the whole of the instructions (or rather the answers) which are complained of is taken together, there can not be the shadow of a doubt. For among the commissioner's questions to the superintendent is the following: "How are claims for supplies furnished or services performed by an individual who is destitute of a certificate or any kind of voucher, having only a bare charge against the United States for the same, to be

settled ? Will the oath or affirmation of the claimant make the charge good ?” And he shortly after asked Congress : “ How are claims for supplies furnished for public use by an individual who is destitute of a proper voucher, to be authenticated ?” To both these queries the answer given by the superintendent (and which forms part of the instructions complained of) is as follows : “ They relate to the same point, viz., *What evidence shall establish claims ?* It appears that the article passed in favor of the claimant must charge some other person, and that public notice is to be given of the times and places of settlement, that both parties may attend. Under these circumstances, if the demand is grounded on *principles of equity*, and the evidence produced satisfies the *conscience* of the commissioner, he is bound to pass it *by the act of Congress*.” Now, it must be remembered that the commissioner is (by the act under which he was appointed) empowered and directed to liquidate, &c., *according to the principles of equity and good conscience in all cases which are not or shall not be provided for by Congress*. The answers, therefore, given by the superintendent to his questions are no more than applications of the act to the doubts which he had suggested. It is more than probable that if the honorable Assembly of Pennsylvania had communicated with the superintendent on this subject, they would not have assumed the same ground of reasoning which they appear to have done.

It is alleged in the said extract “ that certificates given for personal services, wages, or hire are rejected ;” in answer to which it can only be said, that if the claimants are officers or persons acting in any of the Departments, the certificates ought to be rejected by the commissioner for the State, because such accounts are to be liquidated by the commissioners for the departments, respectively ; but if other claims have been rejected by the commissioner, he must have been under the influence of some misapprehension.

As the honorable Assembly have through their delegates proposed certain resolutions, it will be proper to examine the reasoning which led to that proposition. And first, it is alleged that “ if an exact account is *really* wanted of the specific articles for which any certificate was given, it may be found in the receipts given by the party at the time of getting his certificate, and that these receipts are in the power of the public, being lodged with the heads of the different departments.” Surely such an assertion is somewhat hazarded. Congress have before them full evidence that many persons, late officers in the civil departments, refuse to account at all. If, therefore, such persons should even possess the supposed receipts, still those receipts ~~are~~ *are not in the power of the public*, nor will they be so until all the States have passed laws similar to those of the State of Pennsylvania. But further, it will on inquiry appear that when individuals received certificates from public officers, the receipts they gave did not always contain a list of the articles or account of the services which had been rendered. Certainly, where any fraud

was designed, a specification of articles was of course avoided; and in many cases it has been neglected, even where nothing wrong was intended. The idea, therefore, that the specific articles are contained in the receipts is as unfounded as that those receipts are in the power of the public.

But supposing the facts were such as they are assumed to be, will it follow that the officers have in no instance been guilty of collusion with individuals, and given more than they were worth both for articles and services? And will it not appear that an exact account of the specific articles is *really* wanted, and indeed absolutely necessary, for the detection of such abuses? Or if it be supposed that all the inhabitants of Pennsylvania were so honest and so disinterested as neither to partake in fraud nor take advantage of negligence, must it also be presumed that the public officers acting within that State have in no cases whatever seized the property of individuals and given certificates for less than the value? Or if it be imagined that the officers and the individuals have been all alike innocent, and that the clamors raised on these subjects are totally groundless as to Pennsylvania, will it follow that such things have not happened in any other State? Or will it be proper to establish different rules for the settlement of public accounts, under the idea of honesty in one State and the want of it in another?

It is, however, assumed as a position, that any "frauds which have been committed cannot be detected in any other place so well as by the commissioners who settle the general accounts at the heads of departments." But surely it is necessary not only to the detection of frauds, but even to the settlement of accounts at all, that the commissioners acting in the several States obtain accounts of the articles before they pass the sums. If, for instance, the public officer should by collusion with the party make a charge of double the sum actually due for any article, can a deduction be made after the sum has been passed to the individual by the State commissioner? If the officer should omit to charge himself with articles purchased, can this be proved when only the money certificate is produced against him? If the officer, paid by a certificate, the nominal sum for articles purchased a year before, will this appear in such manner as to prevent him from taking all the benefit of the depreciation? If, for instance, he purchased to the amount of two hundred thousand dollars when money was at two for one, paid in certificates when it was at four for one, and carried the articles to account at a reasonable specie value, viz., one hundred thousand dollars, and if the certificates be now liquidated at their value, viz., fifty thousand dollars, would he not be gainer of the like sum of fifty thousand dollars merely by the depreciation? It is also asserted "that the holders of certificates are subjected to many inconveniences from this delay, and that after coming from the remote parts of the State, and having a liquidation of their certificates refused, they depart with murmurs and discontent." If holders of certificates came from *remote parts of*

*the State*, and the act of Congress of the 20th of February, 1782, intended to afford relief, becomes thereby a source of distress, it must arise either from ignorance in the people themselves, or from a want of attention in the commissioner; for by the act it is ordained "that the commissioners respectively give public and early notice of the *times* and *places* of their settling and the *districts within which they settle accounts*, that as well the public officers as the private individuals may have an opportunity to attend." From the whole scope and tenor of the act, as well as from the express words of this particular part, it appears clearly to have been the intention of Congress that the commissioner should mark out convenient districts in the State, take some proper position in each district, and then give such early *public notice* of the *place* and the *district*, as that claims arising from transactions *within that district* might be brought in and adjusted, and both the public officer and the private individual concerned in the transactions have an opportunity of attending.

As the honorable Assembly have marked out a different mode of settlement than that which has been adopted, it may be proper to take a general view of the present and of the proposed plan, so as to discover the inconveniences resulting from each, and thence determine which ought to be preferred. Under the present plan the first step of the commissioner is to mark out some particular spot, with a convenient surrounding district, within which the parties may attend, without the waste of time and expense of long journeys. The next is to give *early public notice*. Supposing, then, the time to have arrived which he had specified in his advertisement, and a claimant to appear, the first question to be solved is whether that claimant be one of those whose demands are to be adjusted by him, or whether it is the business of a commissioner of one of the departments. Supposing the former the next object of inquiry would be whether any and what services or supplies were rendered by the claimant to the United States, and if any were rendered, then what was the real value at the *time and place* of rendering them. Every kind of evidence exhibited in support of each point is then to be examined, the officer who is said to have received the articles is to be heard if he contest the claim, and, finally, the commissioner being in the vicinity of the place, with opportunity to learn both the acts done and the characters of the agents, must decide *according to equity and good conscience*, where no express provision is made by an act of Congress. If this decision be in favor of the claimant the business of the commissioner is to give a certificate for the full value of the articles and services, and then to charge the proper officer and department, not with so much money, but with the specific articles and services for the due application whereof account is to be rendered to the commissioner of the department.

A duty of the State commissioner, in the course of this business, will be to discover and detect as much as possible the frauds which have

been committed, and to transmit proper evidence as it may arise to the commissioner of the department. In cases, however, where the decision is against the claimant, it will be proper still to return to the commissioner of the department a statement of the claim, that if it should be found to be credited to the public in the accounts of such department, the party may meet with redress at a future period. The inconveniences attending this mode are, that possibly some just claims may be finally rejected for the want of sufficient proof, and that some honest claimants may be put to trouble and difficulty in supporting their claims.

The proposed plan appears to be shortly this, *that the commissioner shall liquidate every certificate which may be tendered to him in specie value.* If, however, the restriction implied in the extract by the words "that no delay be given to any certificate granted by an officer who has settled his public accounts," etc., be made, viz., that the liquidation of such certificates be suspended until the accounts of the officer who gave them be settled, it is humbly conceived that such liquidations can never take place, because, as the public have assured the debts of their officers, it is impossible to settle the accounts of those officers until the amount of their debts be known; those debts forming a charge against the officer in the same manner as the moneys advanced to them from the public Treasury. The settlement of the officers' accounts must, therefore, ultimately depend on the settlement made with individuals, and therefore this restriction must be rejected, or the whole plan prove abortive.

The proposition of the honorable Assembly may then be examined and considered as of the effect which is just now stated. And if that proposition be adopted, the commissioner sitting in one corner of a State, and examining claims and certificates brought from two or three hundred miles distance, without the slightest attention to the value of articles for which money is claimed will be exposed to every kind of imposition. Certificates will be counterfeited, pretended depositions will be produced, fabricated accounts will be delivered, vast sums will, of course, be acknowledged as due to whoever may please to demand them. The officer will (and very justly, too) refuse to account for such sums, the frauds which they will detect in claims allowed by the State commissioners will cast a cloud even upon the just claims, and the commissioners for the departments will, for that reason, be unable to insist on any. Thus the officers will be empowered in their turn to render such accounts as they think proper. So that, on the whole, the public debts will be greatly and unnecessarily accumulated, and a precedent will be established to sanctify every improper act which may hereafter be committed in times of confusion.

These are public inconveniences, and from a comparison of the two plans one important question arises, shall the public property be given away, and the country be taxed for the purpose of paying moneys not



justly due, or shall individuals who have claims on the United States be obliged to validate such claims by sufficient evidence? Surely the honorable Assembly of Pennsylvania will not, can not, hesitate in deciding this question.

All which is humbly submitted.

ROBERT MORRIS.

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Jay to Thomson.\*

LONDON, *November 14, 1783.*

DEAR SIR: I have been here a month and well only two days, first a bloody flux and now a sore throat. I came in quest of health, but *seek and you shall find* does not, it seems, always extend to that of the body.

The Parliament is setting. The King's speech and its echoes you will see in the papers. I have not had any conversation on politics with either of the ministers. In my opinion no plan or system of conduct respecting America is yet decided upon by the cabinet, in which the jarring principles of Whig and Tory still strive and ferment. The latter persuade themselves that we shall not be able to act as a nation, that our government is too feeble to command respect and our credit too much abased to recover its reputation or merit confidence. I hope better things. We are not without friends in this country, but they have more inclination than power to be friendly. We have also enemies and bitter ones. If we act wisely and unitedly we shall have nothing to fear. It is in our power finally to make a navigation act and prevent British vessels carrying our productions. Provided we should execute it, we should find it of as much value as many treaties of commerce. Let us, however, act with temper—it is more easy to make sores than heal them. But if Britain should adopt and persist in a monopolizing system let us retaliate fully and firmly. This nation, like many others, is influenced more by its feelings than reasonings. You will herewith receive some pamphlets.

I am dear sir, your affectionate friend and servant,

JOHN JAY.

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Luzerne to Washington.†

[Translation.]

PHILADELPHIA, *November 21, 1783.*

SIR: I have received the letter your excellency did me the honor to write me by Messrs. Villefranche and Rochefontaine. The testimony you have been pleased to give in favor of these two officers will have

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\* New York Historical Society Coll., 1778, p. 179; 2 Jay's Life, 137.

† 6 Sparks' Dip. Rev. Corr., 126.

the greatest weight with those persons who can contribute to their advancement, and it gives me the greatest pleasure to receive these testimonies from Congress and from your excellency of the satisfaction the French officers have given in the service of the United States.

I beg your excellency to receive my sincere congratulations upon the evacuation of New York ; this grand event completes your glory. I hope to be at New York the 28th of this month, to be witness of the rejoicings you have ordered, and to renew to you the assurances of attachment with which I have the honor to be, &c.

LUZERNE.

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Crocco to Franklin.\*

CADIZ, *November 25, 1783.*

SIR: On the 15th of July last I had the honor to acquaint your excellency of my arrival in Europe, and that I was appointed by his majesty the Emperor of Morocco bearer of this answer to the Congress, sovereign of the thirteen United States of North America, and that, according to my instructions, I was to meet at Paris the ambassador that would be appointed by the Congress to sign at the court of Morocco the treaty of peace and commerce, agreeably to the proposals made to his Imperial majesty by Robert Montgomery, in his letter dated at Alicant, the 4th of January, 1783. Since, I have been at the court of Madrid, where I had some commissions from the Emperor, and to see the execution of them I came to this place, from whence I intend to embark in three or four months for Barbary, unless in the mean time I should receive an answer from your excellency, with orders that Mr. Richard Harrison should give me for my travelling charges fifteen hundred hard dollars, although the courts of Europe are accustomed to allow the ministers of my master at the rate of ten pounds sterling per day, while they are in Europe, to defray their expenses, besides presents for their good offices in those important affairs.

His Imperial majesty was graciously pleased at my solicitation to agree, at the request of Congress, to grant them a treaty of peace (which other powers in Europe could not obtain but after many years), and my return without the full execution of his commands I apprehend may forever indispose him against the United Provinces.

I remain, most truly, sir, &c.,

GIACOMO FRANCISCO CROCCO.

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\* 2 Sparks' Dip. Rev. Corr., 491.

Morris to Jay.\*

PHILADELPHIA, *November 27, 1783.*

MY DEAR SIR: I congratulate you on the signing of the definitive treaty, and on the evacuation of New York, which took place on Tuesday. Our friend Gouverneur Morris is there. He has been gone about eighteen days, and I expect him back very soon; he will then give you the details, and inform you of such things as you may wish to know respecting any of your particular friends.

If Great Britain persists in refusing admittance to our ships in their islands they will probably have great cause to repent, for I shall not be surprised to see a general prohibition to the admittance of theirs into our ports, and if such a measure is once adopted they may find it very difficult to obtain any alteration, and in that case the advantages of carrying will be much against them. Should the court of France pursue the same policy we shall fall in with the Dutch, and probably have more connexions in commerce with them than with any other people. I have received the prints of the rise and fall of the *balloon*. Pray can not they contrive to send passengers, with a man to steer the course, so as to make them the means of conveyance for despatches from one country to another, or must they only be sent for intelligence to the moon and clouds?

We are dismissing the remains of our army and getting rid of expense, so that I may hope to see the end of my engagements before next May, but I doubt whether it will be in my power to observe that punctuality in performing them which I wish and have constantly aimed at. I am sending some ships to China, in order to encourage others in the adventurous pursuits of commerce, and I wish to see a foundation laid for an American navy.

I am, &amp;c.,

ROBERT MORRIS.

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Livingston to Jay.†NEW YORK, *November 29, 1783.*

DEAR JOHN: I am two letters in your debt, and am conscious that I shall make an ill return for them in offering you this product of a midnight hour, after a day spent in the fatigue of business and ceremony that our present situation exacts. But having just been informed by Mr. Platt that he sails to-morrow morning, I can not permit him to go without offering you my congratulations on an event which you have so greatly contributed to bring about, the evacuation of this city by the British on Tuesday last.

Our enemies are hardly more astonished than we are ourselves, and than you will be when you hear that we have been five days in town

\* 2 Jay's Life, 138.

† 2 Jay's Life, 139.

without the smallest disturbance; that the most obnoxious royalists that had sufficient confidence in our clemency to stay had not met with the least insult. Their shops were opened the day after we came in, and Rivington himself goes on as usual. The State of New York Gazette is as well received as if he had never been printer to the King's most excellent majesty. So that your friends in Europe will find their apprehensions ill founded, and that the race of tories will not, after all, be totally extinct in America. Perhaps by good training and by crossing the breed frequently (as they are very tame) they may be rendered useful animals in a few generations.

I thank you for your prints of the air balls, but wish to have some fuller account of their composition and the use proposed to be made of them. As an architect I can not but be curious about the first castles in the air that promise to have some stable use.

Receive my congratulations on the birth of your daughter, and make my compliments to Mrs. Jay on the occasion.

I had hardly finished the last line when I was alarmed by a very loud rumbling noise, accompanied by a quick tremulous motion of the earth. The family are too much alarmed to permit me to add more.

Adieu.

R. R. LIVINGSTON.

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Franklin to Laurens.\*

PASSY, December 6, 1783.

DEAR SIR: I received your kind letter of the 28th past, and I send you herewith the anonymous Brussels letter, as you desire. When I had last the pleasure of seeing you at Passy, I forgot to mention to you that Mr. Ridley, soon after your departure for the south of France, called upon me, with a request that I would let him see the letter, and then that I would let him take it home with him, which I complied with, understanding it was to show it to Mr. Adams. Some days afterwards he acquainted me that the handwriting was like that of M. de Neufville's clerk, and proposed to have it compared with some of Neufville's letters in my possession, which at his desire I lent him. When he returned them he remarked some similarities which I did not think very striking. What appeared most so to me at the time was the very long stroke or dash of the pen across the top of the small t, thus *t*, though I did not think that conclusive; and I have since observed it to be a more general practice in writing than I imagined. I indeed seldom make that mark to my t's except when they are double; yet I find when I do make it, it is nearly as long as in the Brussels letter, and I see in your last that you do the same, the dash sometimes passing over the whole word in which the t is placed. I saw neither Mr. Adams nor Mr.

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\* 8 Bigelow's Franklin, 384.

Barclay on that occasion, but Mr. Ridley only. I suppose the opinion you mention as pronounced might be by them at Auteuil. I enclose the other anonymous and the two letters of Neuville, that you may compare them and judge for yourself.

We think of nothing here at present but of flying. The balloons engross all conversation. Messrs. Charles and Robert made a trip last Monday through the air to a place further distant than Dover is from Calais, and could have gone much farther if there had been more wind and daylight. They have perfect command of the machine, descending and rising again at pleasure. The progress made in the management of it has been rapid, yet I fear it will hardly become a common carriage in my time, though being the easiest of all voitures, it would be extremely convenient to me, now that my malady forbids the use of the old ones over a pavement.

The kind enquiry made respecting me by the person you mention does not surprise me. He is so unequal in his temper, and so different from himself on different occasions, that I should not wonder if he sometimes loved me. The promised commission is not yet come to my hands, nor have I any advice from the Congress later than the 9th of September.

My grandson joins me in affectionate respects to you and Miss Laurens, and best wishes for your health and prosperity.

With great & sincere esteem, I am ever, etc.

B. FRANKLIN.

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Franklin to Carmichael.\*

PASSY, *December 15, 1783.*

MY DEAR FRIEND, I am much concerned to find by your letter to my grandson that you are hurt by my long silence, and that you ascribe it to a supposed diminution of my friendship. Believe me that is by no means the case, but I am too much harassed by a variety of correspondence, together with gout and gravel, which induce me to postpone doing what I often fully intend to do, and particularly writing, where the urgent necessity of business does not seem to require its being done immediately, my sitting too much at the desk having already almost killed me; besides, since Mr. Jay's residence here, I imagined he might keep you fully informed of what was material for you to know, and I beg you to be assured of my constant and sincere esteem and affection.

I do not know whether you have been informed that a Mr. Montgomery, who lives at Alicant, took upon himself (for I think he had no authority) to make overtures last winter in behalf of our States towards a treaty with the Emperor of Morocco. In consequence of his proceedings I received a letter in August from a person who acquainted me that he was arrived in Spain by the Emperor's order, and was to come

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\* 2 Sparks' Dip. Rev. Corr., 492; 2 Dip. Corr. of the United States, 374; 8 Bigelow's Franklin., 386.

to Paris, there to receive and conduct to Morocco the minister of Congress appointed to make that treaty, intimating at the same time an expectation of money to defray his expenses. I communicated the letter to Mr. Jay. The conduct of Mr. Montgomery appeared to us very extraordinary and irregular, and the idea of a messenger from Morocco coming to Paris to meet and conduct a minister of Congress appearing absurd and extravagant, as well as the demand of money by a person unknown, I made no answer to the letter, and I know not whether Mr. Jay made any to Mr. Montgomery, who wrote about the same time. But I have lately received another letter from the same person, a copy of which I enclose, together with my answer, open for your perusal, and it is submitted to your discretion whether to forward it or not. The Mr. Crocco, who writes to me, having been, as he says, at Madrid, you possibly may know more of him than I can, and judge whether he is really a person in credit with the Emperor, and sent, as he pretends to be, or not rather an *escroc*, as the French call cheats and impostors.

I would not be wanting in anything proper for me to do towards keeping that Prince in good humor with us till the pleasure of Congress is known, and therefore would answer Mr. Crocco if he be in his employ; but am loth to commit myself in correspondence with a *Fripon*. It will be strange if, being at Madrid, he did not address himself to you.

With great and unalterable regard, I am ever, my dear friend, yours, most affectionately,

B. FRANKLIN.

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Franklin ot Crocco.\*

PASSY, December 15, 1783.

SIR: I have just received the letter you did me the honor of writing to me the 25th past. I did indeed receive your former letter of July, but being totally a stranger to the mentioned proceedings of Mr. Montgomery, and having no orders from Congress on the subject, I knew not how to give you any satisfactory answer till I should receive further information; and I communicated your letter to Mr. Jay, minister of the United States for Spain, in whose district Mr. Montgomery is, and who is more at hand than I am for commencing that negotiation.

Mr. Jay, who is at present in England, has possibly written to you, though his letter may have miscarried, to acquaint you that Mr. Montgomery had probably no authority from Congress to take the step he has done, and that it was not likely that they, desiring to make a treaty with the Emperor, would think of putting his majesty to the trouble of sending a person to Paris to receive and conduct their minister, since they have ships, and could easily land him at Cadiz, or present him at

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\* 1 Sparks' Dip. Corr. of the United States, 373; 2 Sparks' Dip. Rev. Corr., 493; 3 Bigelow's Franklin, 390.

one of the Emperor's ports. We have, however, written to Congress acquainting them with what we had been informed, of the good and favorable disposition of his Imperial majesty to enter into a treaty of amity and commerce with the United States, and we have no doubt but that as soon as their affairs are a little settled, which, by so severe a war carried on in the bowels of their country, by one of the most powerful nations of Europe, have necessarily been much deranged, they will readily manifest equally good dispositions, and take all the proper steps to cultivate and secure the friendship of a monarch whose character I know they have long esteemed and respected.

I am, sir, &c.,

B. FRANKLIN.

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Franklin to Vergennes.\*

PASSY, *December 15, 1783.*

SIR: I understand that the bishop or spiritual person who superintends or governs the Roman Catholic clergy in the United States of America resides in London, and is supposed to be under obligations to that court and subject to be influenced by its members. This gives me some uneasiness, and I cannot but wish that one should be appointed to that office who is of this nation, and who may reside here among our friends. I beg your excellency to think a little of this matter, and to afford me your counsels upon it.

With the greatest respect, I am, sir, &c.

B. FRANKLIN.

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Dana to the President of Congress.†

CAMBRIDGE, *December 17, 1783.*

SIR: I do myself the honor to acquaint your excellency of my arrival at Boston in the ship *Kingston* on Friday last, after a passage of ninety-five days from St. Petersburg. I propose to set off for Congress as soon as the necessary arrangements can be made for my journey, provided the severity of the season should not render it impracticable. I wish, however, that your excellency would be pleased to write to me by the return post (to which time it is possible I may be detained) whether it is the expectation of the Congress that I should come on to the place of their session, and without loss of time, to render a more particular account of my late mission. There is nothing I should more earnestly wish than to meet a strict inquiry into my conduct during the time I have had the honor of being a servant of the public.

I have the honor to be, &c.,

FRANCIS DANA.

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\* 8 Bigelow's Franklin, 388. This letter was probably prompted by the Nuncio's letter to Franklin of July, 28, 1783, which is given *supra* under that date.

† MSS. Dep. of State; 4 Sparks' Dip. Rev. Corr., 737.

**Franklin to the President of Congress.\***PASSY, *December 25, 1783.*

SIR: Not having heard of the appointment of a new Secretary for Foreign Affairs, I take the liberty of addressing this despatch directly to your excellency. I received by Captain Barney a letter from the late President directed to the commissioners, dated November the 1st, with a set of instructions dated the 29th of October, a resolution of the same date respecting Hamburg, and another of the 1st of November relating to Captain Paul Jones, all which will be duly regarded.

Captain Jones, in passing through England, communicated these papers to Mr. Adams, then at London. Mr. Adams, disappointed in not finding among them the commission we had been made to expect, empowering us to make a treaty of commerce with England, wrote to me that he imagined it might be contained in a packet that was directed to me, and requested to be immediately informed, adding that in case no such commission was come he should depart directly for Holland; so I suppose he is now there. Mr. Laurens is gone to England with an intention of embarking soon for America. Mr. Jay is at Bath, but expected here daily. The English ministers, the Duke of Manchester and Mr. Hartley, are both at present in Parliament. As soon as either of them returns, we shall endeavor to obtain an additional article to the treaty, explaining that mentioned in the instructions.

The affairs of Ireland are still unsettled. The parliament and volunteers are at variance; the latter are uneasy that in the late negotiations for a treaty of commerce between England and America the British ministers had made no mention of Ireland, and they seem to desire a separate treaty of commerce between America and that kingdom.

It was certainly disagreeable to the English ministers that all their treaties for peace were carried on under the eye of the French court. This began to appear towards the conclusion, when Mr. Hartley refused going to Versailles to sign there with the other powers our definitive treaty, and insisted on its being done at Paris, which we in good humor complied with, but at an earlier hour, that we might have time to acquaint Count de Vergennes before he was to sign with the Duke of Manchester.

The Dutch definitive treaty was not then ready, and the British court now insists on finishing it either at London or The Hague. If, therefore, the commission to us which has been so long delayed is still intended, perhaps it will be well to instruct us to treat either here or at London, as we may find most convenient.

The treaty may be conducted even there in concert and in the confidence of communication with the ministers of our friends, whose advice may be of use to us.

With respect to the British court, we should, I think, be constantly

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\* MSS. Dep. of State; 2 Sparks' Dip. Rev. Corr., 494; 8 Bigelow's Franklin, 391.



upon our guard, and impress strongly upon our minds that though it has made peace with us, it is not in truth reconciled either to us or to its loss of us, but still flatters itself with hopes that some change in the affairs of Europe or some disunion among ourselves may afford them an opportunity of recovering their dominion, punishing those who have most offended, and securing our future dependence. It is easy to see by the general turn of the ministerial newspapers (light things, indeed, as straws and feathers, but like them they show which way the wind blows), and by the malignant improvement their ministers make, in all the foreign courts, of every little accident or dissension among us, the riot of a few soldiers at Philadelphia, the resolves of some town meetings, the reluctance to pay taxes, &c., all of which are exaggerated, to represent our government as so many anarchies, of which the people themselves are weary, and the Congress as having lost its influence, being no longer respected—I say it is easy to see from this conduct that they bear us no good will, and that they wish the reality of what they are pleased to imagine. They have, too, a numerous royal progeny to provide for, some of whom are educated in the military line. In these circumstances we cannot be too careful to preserve the friendships we have acquired abroad and the union we have established at home, to secure our credit by a punctual discharge of our obligations of every kind and our reputation by the wisdom of our councils, since we know not how soon we may have a fresh occasion for friends, for credit, and for reputation.

The extravagant misrepresentations of our political state in foreign countries made it appear necessary to give them better information, which I thought could not be more effectually and authentically done than by publishing a translation into French, now the most general language in Europe, of the Book of Constitutions which had been printed by order of Congress. This I accordingly got well done, and presented two copies, handsomely bound, to every foreign minister here, the one for himself, the other, more elegant, for his sovereign. It has been well taken, and has afforded matter of surprise to many, who had conceived mean ideas of the state of civilization in America, and could not have expected so much political knowledge and sagacity had existed in our wilderness. And from all parts I have the satisfaction to hear that our constitutions in general are much admired. I am persuaded that this step will not only tend to promote the emigration to our country of substantial people from all parts of Europe by the numerous copies I shall disperse, but will facilitate our future treaties with foreign courts, who could not before know what kind of government and people they had to treat with. As in doing this I have endeavored to further the apparent views of Congress in the first publication, I hope it may be approved and the expense allowed. I send herewith one of the copies.

Our treaties with Denmark and Portugal remain unfinished, for want

of instructions respecting them from Congress and a commission empowering some minister or ministers to conclude them. The Emperor of Morocco, we understand, has expressed a disposition to make a treaty of amity and commerce with the United States. A Mr. Montgomery, who is a merchant settled at Alicant, has been, it seems, rather forward in proposing a negociation, without authority for so doing, and has embarrassed us a little, as may be seen by some letters I enclose.\* Perhaps it would be well for the Congress to send a message to that Prince, expressing their respect and regard for him, till such time as they may judge it convenient to appoint an ambassador in form, furnished with proper presents to make a treaty with him. The other Barbary states, too, seem to require consideration, if we propose to carry on any trade in the Mediterranean; but whether the security of that trade is of sufficient importance to be worth purchasing at the rate of the tributes usually exacted by those piratical states is a matter of doubt, on which I cannot at present form a judgment.

I shall immediately proceed, in pursuance of the first instruction, to take the proper steps for acquainting his Imperial majesty of Germany with the dispositions of Congress, having some reason to believe the overture may be acceptable. His minister here is of late extremely civil to me, and we are on very good terms. I have likewise an intimate friend at that court.

With respect to other powers, it seems best not to make advances at present, but to meet and encourage them when made, which I shall not fail to do, as I have already done those of Sweden, Denmark, and Portugal. Possibly Hamburg, to whom I have forwarded the letter of Congress, may send a minister to America, if they wish for a treaty, to conclude it there. They have no minister here.

I have lately received a memorial from the minister of Denmark respecting a ship of that nation, the *Providentia*, taken by one of our privateers and carried into Boston. I enclose a copy of it, and request to be furnished with directions and informations for the answer. It may be well to send me a copy of the proceedings in the courts. From a perusal of the papers communicated with it, I am satisfied that the cargo was clearly British property.

We have hitherto entered into no engagements respecting the armed neutrality, and in obedience to the fifth instruction we shall take care to avoid them hereafter. The treaty between this court and the United States for regulating the powers, privileges, &c., of consuls is at length completed, and is transcribing, in order to be signed. I hope to transmit a copy by the next packet. I have received the Congress ratification of the two money treaties, which will be soon exchanged, when I shall send copies of them, with that of Sweden.

I have given, and shall continue to give, Captain Paul Jones all the

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\* The letters from G. F. Crocco, *supra*, July 22 and November 25, 1783.

assistance in my power towards recovering the prize money, and I hope it may soon be accomplished.

When Mr. Jay returns I shall desire him to make the inquiry directed in the fourth instruction respecting the expedition under that Commodore, and report thereon to Congress. In the mean time I can answer respecting one of the questions that the King paid the whole expense; and that no part of it has ever been placed to the account of Congress. There exists indeed a demand of one Puchelberg, a person in the employ of M. Schweighauser, of about thirty thousand livres, for provisions and other things furnished to Captain Landais after he took the *Alliance* out of the hands of Captain Jones; but as the ship was at that time under the King's supply, who, having borrowed her for the expedition when fitted for sea and just ready to sail with Mr. Adams, had ordered her to be delivered in the same condition, free of all charges accrued or accruing by her being in Holland and in L'Orient, and as M. Puchelberg had not only no orders from me to furnish Captain Landais, but acted contrary to my orders given to M. Schweighauser, and contrary to the orders of M. Schweighauser himself, I refused to pay his account, which besides appeared extravagant, and it has never yet been paid.

I shall do my best in executing the third instruction respecting our claim upon Denmark. I have written to London to obtain if possible an account of the sums insured upon the ships delivered up, as such an account may be some guide in the valuation of the prizes.

A Captain Williams, formerly in the British service, and employed upon the lakes, has given me a paper containing information of the state of the back country. As those informations may possibly be of some use, I send herewith the paper. Mr. Carmichael has sent me the accounts of the money transactions at Madrid. As soon as Mr. Jay returns they will be examined.

Be pleased to present my dutiful respects to Congress, and assure them of my most faithful services.

With great esteem and regard, I have the honor to be, &c.,

B. FRANKLIN.

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Franklin to Morris.\*

PASSY, December 25, 1783.

SIR: [I have received your favor of the 30th of September, for which I thank you. My apprehension that the union between France and our States might be diminished by accounts from hence† was occasioned

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\*MSS. draft in Dep. of State; 8 Bigelow's Franklin, 398; 10 Sparks' Franklin, 43. Of this letter the portions in brackets are omitted by Sparks (2 Dip. Rev. Corr., 499), while in what remains there are verbal changes.

†In 8 Bigelow's Franklin 398, the word is given as "home," and so in 10 Sparks' Franklin, 43.

by the violent and extravagant language held here by a public person, in public company, which had that tendency; and it was natural for me to think his letters might hold the same language, in which I was right, for I have since had letters from Boston informing me of it. Luckily here, and I hope there, it is imputed to the true cause—a disorder in the brain, which, though not constant, has its fits too frequent. I will not fill my letter with an account of these discourses. Mr. Laurens, when you see him, can give it to you; I mean of such as he heard, in company with other persons; for I would not desire him to relate private conversations. They distressed me much at the time, being then, at your earnest instance, soliciting for more aids of money, the success of which solicitation such ungrateful and provoking language might, I feared, have had a tendency to prevent. Enough of this at present.

I have been exceedingly hurt and afflicted by the difficulty some of your late bills met with in Holland. As soon as I received the letter from Messrs. Willink & Co., which I enclose, I sent for Mr. Grand, who brought me a sketch of his account with you, by which it appeared that the demands upon us existing and expected would more than absorb the funds in his hands. We could not indulge the smallest hope of obtaining further assistance here, the public finances being in a state of embarrassment, private persons full of distrust, occasioned by the late stoppage of payment at the Caisse d'Escompte, and money in general extremely scarce. But he agreed to do what I proposed and lend his credit in the way of drawing and redrawing between Holland and Paris, to gain time till you could furnish funds to reimburse Messrs. Willink & Co. I believe he made this proposition to them by the return of the express. I know not why it was not accepted. Mr. Grand will himself, I suppose, give you an account of all the transaction and of his application to Messrs. Contenlx & Co., therefore I need not add more upon this disagreeable subject.]\*

[I have found difficulties in settling the account of salaries with the other ministers that have made it impracticable for me to do it. I have, therefore, after keeping the bills that were to have been proportioned among us long in my hands, given them up to Mr. Grand, who, finding the same difficulties, will, I suppose, return them to you. None has come to hand for the two or three last quarters, and we are indebted to his kindness for advancing us money, or we must have run in debt for our subsistence. He risks in doing this, since he has not for it your orders.]\*

[There arise frequently contingent expenses, for which no provision has yet been made. In a former letter to the Secretary for foreign affairs I gave a list of them, and desired to know the pleasure of Congress concerning them. I have only had for answer that they were

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\* Passage in brackets omitted by Sparks in the *Diplomatic Revolutionary Correspondence*, though given with verbal changes in 10 Sparks' *Franklin*, 43.

under consideration, and that he believed house rent would not be allowed ; but I am still in uncertainty as to that and the rest. I wish some resolutions were taken on this point of contingencies, that I may know how to settle my accounts with Mr. Barclay. American ministers in Europe are too remote from their constituents to consult them and take their orders on every occasion, as the ministers here of European courts can easily do. There seems, therefore, a necessity of allowing more to their discretion, and of giving them a credit to a certain amount on some banker, who may answer their orders; for which, however, they should be accountable. I mention this for the sake of other ministers, hoping and expecting soon to be discharged myself, and also for the good of the service.]\*

The remissness of our people in paying taxes is highly blamable ; the unwillingness to pay them is still more so. I see, in some resolutions of town meetings, a remonstrance against giving Congress the power to take, as they call it, people's money out of their pockets, though only to pay the interest and principal of debts duly contracted. They seem to mistake the point. Money justly due from the people is their creditors' money, and no longer the money of the people, who, if they withhold it, should be compelled to pay by some law.

All property, indeed, except the savage's temporary cabin, his bow, his match coat, and other little acquisitions absolutely necessary for his subsistence, seems to me the creature of public convention. Hence the public has the right of regulating descents and all other conveyances of property, and even of limiting the quantity and uses of it. All the property that is necessary to a man for the conservation of the individual and the propagation of the species is his natural right, which none can justly deprive him of; but all property superfluous to such purposes is the property of the public, who by their laws have created it, and who may, therefore, by other laws, dispose of it whenever the welfare of the public shall demand such disposition. He that does not like civil society on these terms, let him retire and live among savages. He can have no right to the benefits of society who will not pay his club towards the support of it.

The Marquis de la Fayette, who loves to be employed in our affairs and is often very useful, has lately had several conversations with the ministers and persons concerned in forming new regulations respecting the commerce between our two countries which are not yet concluded. I therefore thought it well to communicate to him a copy of your letter which contains so many sensible and just observations on that subject. He will make a proper use of them, and perhaps they may have more weight as appearing to come from a Frenchman than they would have if it were known that they were the observations of an American. I perfectly agree with you in all the sentiments you have expressed on this occasion.

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\* Passage in brackets omitted by Sparks in the *Diplomatic Revolutionary Correspondence*, though given with verbal changes in 10 Sparks' *Franklin*, 43.

[You have made no answer to the proposition I sent of furnishing tobacco to the Farmers General. They have since made a contract with Messrs. Alexander & Williams for the same purpose, but it is such a one as does not prevent them making another with you if hereafter it should suit you.]\*

I am sorry for the public's sake that you are about to quit your office, but on personal considerations I shall congratulate you; for I can not conceive of a more happy man than he who, having been long loaded with public cares, finds himself relieved from them and enjoying repose in the bosom of his friends and family.

[The government here has set on foot a new loan of an hundred million. I enclose the plan. It is thought very advantageous for the lenders. You may judge by that how much the money is wanted and how reasonable the peace was for all concerned.

If Mr. Alexander, who is gone to Virginia, should happen to come to Philadelphia, I beg leave to recommend him to your civilities as an old friend of mine whom I very much esteem.†

With sincere regard and attachment, I am ever, dear sir, your most, &c.

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Franklin to Mifflin, President of Congress.

PASSY, *December 26, 1783.*

DEAR SIR: I congratulate you very sincerely on your appointment to that very honorable station, the Presidency of Congress. Every testimony you receive of the public sense of your services and talents gives me pleasure.

I have written to you a long letter on business in my quality of minister. This is a private letter, respecting my personal concerns, which I presume to trouble you with on the score of our ancient friendship.

In a letter of the 12th of March, 1781, I stated my age and infirmities to the Congress, and requested they would be pleased to recall me, that I might enjoy the little left me of the evening of life in repose, and in the sweet society of my friends and family. I was answered by the then President that when peace should be made, if I persisted in the same request, it should be granted; I acquiesced; the preliminaries were signed in November, 1782, and I then repeated my petition. A year is passed and I have no answer. Undoubtedly, if the Congress should think my continuing here necessary for the public service, I ought, as a good citizen, to submit to their judgment and pleasure; but, as they may easily supply my place to advantage, that can not be the case. I suppose, therefore, that it is merely the multiplicity of more

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\* Passage in brackets omitted by Sparks in 2 *Diplomatic Revolutionary Correspondence*, 499, and also in 10 Sparks' *Franklin*, 43, and 8 Bigelow's *Franklin*, 398.

† Omitted by Sparks both in *Diplomatic Revolutionary Correspondence*, as above cited, and also in 10 Sparks' *Franklin*, 43, and 8 Bigelow's *Franklin*, 399.

‡ MSS. Dep. of State; 8 Bigelow's *Franklin*, 404.

important affairs that has put my request out of their mind. What I would then desire of you is to put this matter in train to be moved and answered as soon as possible, that I may arrange my affairs accordingly.

In the first letter above mentioned, to which I beg leave to refer you, I gave a character of my grandson, William Temple Franklin, and solicited for him the favor and protection of Congress. I have nothing to abate of that character; on the contrary I think him so much improved as to be capable of executing, with credit to himself and advantage to the public, any employment in Europe that Congress may think fit to honor him with. He has been seven years in the service, and is much esteemed by all that know him, particularly by the minister here, who, since my new disorder (the stone), makes my going to Versailles inconvenient to me, transacts our business with him in the most obliging and friendly manner. It is natural for me, who love him, to wish to see him settled before I die, in some employ that may probably be permanent; and I hope you will be so good to me as to get that affair likewise moved and carried through in his favor.

He has, I think, this additional merit to plead, that he has served in my office as secretary several years for the small salary of three hundred louis a year, while the Congress gave one thousand a year to the secretaries of other ministers who had not half the employ for a secretary that I had. For it was long before a consul was sent here, and we had all that business on our hands, with a great deal of admiralty business in examining and condemning captures taken by our cruisers and by the French cruisers under our commissions, besides the constant attendance in examining and recording the acceptances of the Congress' bills of exchange, which has been, from the immense number, very fatiguing; with many other extra affairs not usually occurring to other ministers, such as the care of the prisoners in England, and the constant correspondence relating to them, in all of which he served me as secretary, with the assistance only of a clerk at low wages (sixty louis a year), so that the saving has been very considerable to the public.

I am, etc.,

B. FRANKLIN.

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Franklin to the President of Congress.\*

PASSY, *December 26, 1783.*

SIR: If the Congress should think it fit to have a consul for the United States in London, and do not appoint one of our own countrymen to that office, I beg leave to mention the merits of Mr. William Hodgson, a merchant of that city, who has always been a zealous friend to America, was a principal promoter of the subscription for the relief

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\* MSS. Dep. of State; 2 Sparks' Dip. Rev. Corr., 500; 8 Bigelow's Franklin, 408.

of American prisoners, and chairman of the committee for dispensing the money raised by that subscription. He also took the trouble of applying the moneys I furnished him with when the subscription was exhausted, and constantly assisted me in all the negotiations I had with the British ministers in their favor, wherein he generally succeeded, being a man of weight and credit, very active, and much esteemed for his probity and integrity. These, his services, continued steadily during the whole war, seem to entitle him to the favorable notice of Congress when any occasion offers of doing him service or pleasure.

With great respect, I have the honor to be, &c.,

B. FRANKLIN.

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**La Fayette to the President of Congress.\***

PARIS, *December 26, 1783.*

SIR: Having received no commands from Congress by the last packet, I must, however, trespass upon their time to give them a few hints respecting American commerce. I have, of course, directed them to Mr. Morris; and although Dr. Franklin (the other ministers being in England) will give you political intelligence, I can not help adding that, by a refined piece of cunning, the King of England has got Mr. Fox out of the ministry. After having entangled him by a success in the House of Commons, he found means to stop him short in the House of Lords, in consequence of which Mr. Fox has been dismissed. Mr. Pitt, and the last of the Temples called in, and the new administration (Lord North being also out), necessitates the calling of a new Parliament.

The affairs between Russia and the Ottoman Empire are still negotiating and although, in my opinion, a war can not be much deferred in that quarter, there is no probability of its taking place so soon as next summer. The Emperor is in Italy, upon which some say he has also got an eye, and there he will meet with the King of Sweden. There is no change in the French ministry since M. de Calonne has succeeded to M. de Omillon, and Baron de Breteuil to M. Amelot, both of whom are more sensible than their predecessors.

Unless I have some commands from Congress to execute in Europe, I shall in the spring embark for America and present them with the personal homage of one whose happiness is to feel himself forever a zealous member in the service of the United States.

With the utmost regard and affectionate attachment, I have the honor to be, &c.,

LA FAYETTE.

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\* MSS. Dep. of State; 5 Sparks' Dip. Rev. Corr., 420. 2 La Fayette Memoirs, 76. See 1 Sparks' Dip. Corr. of the United States, 279.



Morris to Messrs. Willink &amp; Co.\*

OFFICE OF FINANCE, *December 31, 1783.*

GENTLEMEN: Upon the 21st of October I valued on you to the amount of seven hundred and fifty thousand guilders, as expressed in my letter of the 23d of that month, and in the beginning of this month, having received your letter of the 4th of August, and concluding as well from the contents of that letter as from the actual state of things here that you would be successful in the succeeding months, I gave notice to the gentlemen to whom I had sold the bills mentioned in my said letter of the 23d of October that I should discount their notes, which has been done accordingly. Thus the United States are becoming liable to pay any damages which those gentlemen may sustain, if, in consequence of delay their bills may meet with, those drawn by them in consequence of a reliance on your funds should return protested. The United States will also be liable to the damages which might arise on my further bill drawn in favor of Mr. Haym Solomons for one hundred thousand guilders on the 12th instant, and mentioned in my letter of that date.

Under these circumstances, gentlemen, and unable to judge what delays the loan may have met with from the causes you have mentioned, or from any other, being also uncertain how far it may have been or may be accelerated from other causes, I must request that in any case whatever all my aforesaid bills may be accepted. You will see from the enclosed copies of letters to the receivers of Virginia and South Carolina that I am taking measures to put you in cash for any advance which such acceptances may render necessary. These measures are intended with the double view of providing for the interest of your loan or of reimbursing your advance. In the former case you will be in cash before the interest falls due, but at any rate you shall be secured. The disbandment of our army having brought our expenses within the revenue, there remains an excess, which can not fail to reimburse you, even if the loan should totally fail; for I can not suppose that you will be much more than half a million in advance, and I am certain that the excess of taxes for current services would easily pay this sum in four or five months, and I am equally certain that I could, by anticipation, bring that excess forward to your relief at an earlier period if necessary.

My request to you, therefore, gentlemen, is this, that you accept my bills at any rate, whether you have funds or not, and whether you have or have not the probability of receiving them. If the payments fall due before you find relief take such measures to obtain money as shall, under a view of all circumstances, produce that effect with the least loss to the United States. Of these measures I leave to you the entire disposition, and I promise you on the part of the United States

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\* 6 Sparks' Dip. Rev. Corr., 664.

to reimburse all losses, interest, costs, and charges which may accrue thereupon.

You will be pleased, gentlemen, to give me very early notice of your situation, and to point out very particularly the sums which may be needful, and also the articles of this country which will probably form the best remittance, and on my part I promise to take the earliest measures for making you such remittances. I shall confidently rely on your efforts, and remain, with perfect respect, gentlemen, your most obedient servant,

ROBERT MORRIS.

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Morris to Messrs. Willink & Co.\*

OFFICE OF FINANCE, *December 31, 1783.*

GENTLEMEN: Your advices of the 26th of September, that the success of our loan with you had been greatly impeded by reports propagated on the part of Great Britain, did not a little surprise me. In my letter of the 12th of this month I have given you some slight sketch of the mutiny of a few troops near this city, and this perhaps may be among the circumstances which have militated and been magnified to our disadvantage. But as I did not then, so I do not now, think it worth while to mispend time by the history of a trifling thing, which has no importance in itself, and which might derive some by treating of it seriously. It has always been the common trick of the British and their adherents to assert that America had neither government, armies, nor resources. To all which I answer that America has established her independence. Far be it from me to attempt an injury to the credit of any other nation; on the contrary, let those who would rather trust England than America make the experiment, and if it prove beneficial let them rejoice; if it prove otherwise I shall pity the sufferers.

I should not, indeed, be greatly surprised that our credit were impaired in any of the absolute monarchies of Europe, because that such governments have no proper ideas of the sacred regard which is due to pecuniary engagements taken by the public, and because the people have no conception that the government should be unable to command all the wealth of its subjects. But in your country it is an every day's experience that determinations of the States-General should meet with obstacles in the different provinces, and this has been precisely our case in the business of finance. No State has insinuated that our public debts ought not to be paid; nor, indeed, does any individual dare to hold up that idea. But differences have arisen about the mode of making provision for them, and such differences of opinion necessarily cause delay. It is, however, with much satisfaction I inform you that the different States are coming in one after the other, and I have strong

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\*6 Sparks' Dip. Rev. Corr., 666.

expectations that all of them will soon accede to the plan of Congress which I formerly transmitted. The government of this country has been vigorous enough to carry us through the war, and it would be strange indeed if it should all at once become weak in that moment of peace when other governments usually acquire strength.

For my own part I cannot believe that such ideas will take place among sensible men; but on this occasion I will show to his excellency M. Van Berckel the letter I am now writing, and desire him to write candidly to you and to others his sentiments as to the state of this country, whether the people are at peace, obedient to the laws and the government in due force, or whether we are a prey to discord, and our country the theatre of tumult and confusion.

I am, gentlemen, etc.,

ROBERT MORRIS.

Franklin to Hartley.\*

PASSY, *January 7, 1784.*

MY DEAR FRIEND, I have this moment received your favor of the 25th past, acquainting me with the change in administration. I am not sure that in reforming the constitution, which is sometimes talked of, it would be not better to make your great officers of state hereditary, than to suffer the inconvenience of such frequent and total changes. Much faction and cabal would be prevented by having a hereditary First Lord of the Treasury, a hereditary Lord Chancellor, Privy Seal, President of Council, Secretary of State, First Lord of the Admiralty, &c., &c. It will not be said that, the duties of these officers being important, we can not trust to nature for the chance of requisite talents, since we have a hereditary set of judges in the last resort, the House of Peers; a hereditary King, and in a certain German university a hereditary professor of mathematics.

We have not yet heard of the arrival of our express in America, who carried the definitive treaty. He sailed the 26th of September. As soon as the ratification arrives I shall immediately send you word of it.

With great esteem, I am ever, my dear friend, yours most affectionately,

B. FRANKLIN.

Calonne to La Fayette.†

[Translation.]

VERSAILLES, *January 9, 1784.*

SIR: I have communicated to the King the observations contained in the memoir which you transmitted to me relative to the commerce of America and those which you made at our last conference.

\* 10 Sparks' Franklin, 55; 8 Bigelow's Franklin, 429.

† 6 Sparks' Dip. Rev. Corr., 126.

I am authorized to announce to you that it is the intention of his majesty to grant to the United States the ports of L'Orient and Bayonne as free ports; and besides these that of Dunkirk and that of Marseilles, the first of which enjoys absolute freedom, and the other is restrained in the exercise of that freedom only with regard to tobacco, which is there subjected to a duty. The Americans may from this moment send their vessels to those four ports, where they will not meet with any kind of difficulty.

You may, if necessary, explain what is meant by *free ports*, agreeably to the signification thereof given by M. de Vergennes in his letter of the 29th of June last. The Americans will find, above all at Dunkirk, all the facilities they can desire for the sale of their leaf tobacco, their rice, their timber, and other merchandise, as well as for the purchase of what they want, such as linens, woolens, brandy, &c. It is proposed to establish stores and magazines there, which shall be well supplied, on terms very advantageous for their commerce.

I have given orders to the Farmers-General to treat in preference, and at a reasonable price, for the purchase of the tobaccos of North America. And, moreover, the United States will be as much favored in France in matters of commerce as any other nation. The complaints which they may make to you, or which Dr. Franklin and the other American ministers (whom I should be very glad to see) may transmit to me on their behalf, shall be examined with great attention, and Government will not suffer them to experience any kind of vexations. Every possible precaution will also be taken to prevent the sending out bad merchandise, which, if it has hitherto taken place, can only be attributed to the avarice of some merchants of the lowest order.

I am going immediately to examine what relates to the customs and duties which hurt commerce. This is an important subject and requires great attention. In fine, sir, you may rely that I shall be always disposed, as well as the Marshal de Castries and the Count de Vergennes, to receive and listen with attention to the demands and further representations which you shall think proper to make in favor of the commerce of America.

I have the honor to be, &c.,

DE CALONNE.

P. S.—The ports of Bayonne and L'Orient will be made similar to that of Dunkirk with regard to entire freedom.

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Morris to the President of Congress.\*

OFFICE OF FINANCE, *January 13, 1784.*

SIR: The Secretary of Congress has transmitted to me the petition of John Cowper, with an order to report thereon. I must, on this occasion, pray leave to observe, that this, with a variety of other similar

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\*MSS, Dep. of State; 6 Sparks' Dip. Rev. Corr., 667, with verbal changes.

transactions, depends on the adjustment of the accounts of the secret and commercial committees of Congress. In a letter of the 12th of August last I had the honor to observe that those accounts "were far from being inconsiderable, either as to their nature or magnitude; that they were involved with others, and had extended themselves to different parts of the United States, and to Europe and the West Indies; that they were more connected with the marine accounts than with any others; and that the settlement of them was highly necessary." I took the liberty also then to suggest the propriety of submitting the investigation of those accounts to the commissioner for settling the marine accounts, or of appointing a special commissioner for that express purpose.

Since writing that letter the commissioner on the marine accounts, having been obliged in the course of his business to look at the commercial and secret committee accounts, has not only discovered some balances due to the United States, but has reported other matters, which show in a strong point of light the necessity of examining and settling those accounts. I think they could be more easily, speedily, and effectually settled by that gentleman than by any other, and therefore the submitting of them to him might be eligible in an economical point of view.

I come now, sir, to observe, which I am sorry to do, that my report on Mr. Cowper's case must necessarily be suspended until, after a reference to the commissioner appointed to adjust the accounts of the secret and commercial committees, I shall be possessed of such a state of facts as will enable me to report with propriety.

Before I close this letter I must also observe that as the accounts in question originated with and were under the superintendence of members of Congress, it is a kind of duty which Congress in their political capacity owe to themselves to trace the applications of money through those channels with the same attention which has very properly been applied to other public expenditures.

With perfect respect and esteem, &c.,

ROBERT MORRIS.

Morris to Messrs. Le Couteulx & Co.\*

OFFICE OF FINANCE, *January 13, 1784.*

GENTLEMEN: I some time since drew a bill for two hundred and fifty-nine thousand livres on Messrs. Wilhelm and Jan Willink, Nicolas and Jacob Van Staphorst, De la Lande and Finjé, merchants at Amsterdam, in favor of Mr. John Ross. This bill was drawn on the credit of the loan opened under the direction of those gentlemen, and in consequence of flattering accounts of its success, which I had just then

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\* MSS. Dep. of State; 6 Sparks' Dip. Rev. Corr., 668.

received. I find that Mr. Ross has remitted this bill to you, and is actually drawing on the credit of it. Some late advices from Amsterdam give me reason to apprehend the possibility of a nonpayment of this bill, and therefore I am now about to make to you the request of a favor on the part of the United States. It is, gentlemen, that you would place this sum to the credit of Mr. Ross at the day when the bill falls due, whether it be paid or not, and whether in the whole or only in part, taking the bill up for the honor of the United States. You will then immediately give me notice of the sum which by this means your credit is advanced for, and I will take care to make you remittances for amount of the principal and interest of that sum, nor will I quit my office until you are fully repaid. At the same time you will probably also find some relief from the further produce of the loan, as the causes which impeded its progress during the months of August and September have long since been removed. And, indeed, I still expect that the success of it will enable the punctual payment of Mr. Ross' bill, and only write this letter out of prudence and for the greater caution.

You will observe, gentlemen, that I have two objects in making this request; one is to save the credit of the public, which might materially suffer by the coming back of this bill, and the other is to prevent the payment of twenty per cent. damages, which would be the eventual consequence, over and above the private injury which Mr. Ross would sustain in his personal credit. If, gentlemen, you have a sufficient confidence in me and in my country, you will comply with this request, provided your own convenience will in anywise permit. If you have not that confidence, I must lament it as a misfortune.

I am, gentlemen, yours, &c.,

ROBERT MORRIS.

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Mifflin, President of Congress, to Franklin, Adams and Jay.\*

ANNAPOLIS, *January 14, 1784.*

GENTLEMEN: This day, nine States being represented—viz., Massachusetts, Rhode Island, Connecticut, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, and South Carolina, together with one member from New Hampshire and one member from New Jersey—the treaty of peace was ratified by the unanimous vote of the members. This being done, Congress, by an unanimous vote, ordered a proclamation to be issued, enjoining the strict and faithful observance thereof, and published an earnest recommendation to the several States in the very words of the fifth article.

They have likewise resolved, that the ratification of the treaty of peace shall be sent by a proper person to our commissioners at Paris to be exchanged, and have appointed Colonel Josiah Harmar to that

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\* MSS. Dep. of State; 1 Sparks' Dip. Corr., of the United States, 58.

service. He will have the honor of delivering to you the ratification, together with copies of the proclamation of Congress, and of their recommendation to the States, conformably to the 5th article.

I take the liberty of recommending Colonel Harmar as a brave and deserving officer, and am with the highest respect and esteem, gentlemen, your most obedient, &c.,

THOMAS MIFFLIN.

BY THE UNITED STATES IN CONGRESS ASSEMBLED.

### A PROCLAMATION.

Whereas definitive articles of peace and friendship between the United States of America and his Britannic majesty were concluded and signed at Paris on the third day of September, 1783, by the plenipotentiaries of the said United States and of his said Britannic majesty, duly and respectively authorized for that purpose, which definitive articles are in the words following (see treaty, journals of Congress, vol. 4, p. 323), and we, the United States in Congress assembled, having seen and duly considered the definitive articles aforesaid, did, by a certain act, under the seal of the United States, bearing date this 14th day of January, 1784, approve, ratify, and confirm the same, and every part and clause thereof, engaging and promising that we would sincerely and faithfully perform and observe the same, and never suffer them to be violated by any one or transgressed in any manner as far as should be in our power, and being sincerely disposed to carry the said articles into execution, truly, honestly, and with good faith, according to the intent and meaning thereof, we have thought proper by these presents to notify the premises to all the good citizens of these United States, hereby requiring and enjoining all bodies of magistracy, legislative, executive, and judiciary, all persons bearing office, civil or military, of whatever rank, degree, or power, and all others the good citizens of these States of every vocation and condition, that, reverencing those stipulations entered into on their behalf under the authority of that federal bond by which their existence as an independent people is bound up together and is known and acknowledged by the nations of the world, and with that good faith, which is every man's surest guide, within their several offices, jurisdictions, and vocations, they carry into effect the said definitive articles and every clause and sentence thereof, sincerely, strictly, and completely.

Given under the seal of the United States.

Witness his excellency Thomas Mifflin, our President, at Annapolis, this 14th day of January, in the year of our Lord one thousand seven hundred and eighty-four, and of the sovereignty and independence of the United States of America the eighth.

## RATIFICATION OF THE DEFINITIVE TREATY BY CONGRESS.\*

Know ye that we, the United States in Congress assembled, having seen and considered the definitive articles aforesaid (meaning the treaty signed by the commissioners in Paris on the 30th of November, 1782), have approved, ratified, and confirmed, and by these presents do approve, ratify, and confirm, the said articles, and every part and clause thereof, engaging and promising that we will sincerely and faithfully perform and observe the same, and never suffer them to be violated by any one, or transgressed in any manner, as far as lies in our power.

In testimony whereof we have caused the seal of the United States to be hereunto affixed. Witness his excellency Thomas Mifflin, President, this fourteenth day of January, in the year of our Lord one thousand seven hundred and eighty-four, and in the eighth year of the sovereignty and independence of the United States of America.

## Proclamation of Congress respecting the Definitive Treaty.

BY THE UNITED STATES IN CONGRESS ASSEMBLED,

## A PROCLAMATION.

Whereas definitive articles of peace and friendship between the United States of America and his Britannic majesty were concluded and signed at Paris on the third day of September, one thousand seven hundred and eighty-three, by the plenipotentiaries of the said United States and of his said Britannic majesty, duly and respectively authorized for that purpose; which definitive articles are in the words following: [Here follows the treaty.]

And we, the United States in Congress assembled, having seen and duly considered the definitive articles aforesaid, did, by a certain act, under the seal of the United States, bearing date this 14th day of January, 1784, approve, ratify, and confirm the same, and every part and clause thereof, engaging and promising that we would sincerely and faithfully perform and observe the same, and never suffer them to be violated by any one, or transgressed in any manner, as far as should be in our power; and being sincerely disposed to carry the said articles into execution truly, honestly, and with good faith, according to the intent and meaning thereof, we have thought proper by these presents to notify the premises to all the good citizens of the United States, hereby requiring and enjoining all bodies of magistracy, legislative, executive, and judiciary, all persons bearing office, civil or military, of whatever rank, degree, and powers, and all others the good citizens of these states of every vocation and condition, that, reverencing those stipulations entered into on their behalf, under the authority of that federal bond by which their existence as an independent people is bound

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\* 5 Sparks' Dip. Rev. Corr., 547.



up together, and is known and acknowledged by the nations of the world, and with that good faith which is every man's surest guide, within their several offices, jurisdictions, and vocations, they carry into effect the said definitive articles, and every clause and sentence thereof, sincerely, strictly, and completely.

Given under the seal of the United States. Witness his excellency Thomas Mifflin, our President, at Annapolis, this fourteenth day of January, in the year of our Lord one thousand seven hundred and eighty-four, and of the sovereignty and independence of the United States of America the eighth.

*Resolved, unanimously* (nine States being present), That it be, and it is hereby, earnestly recommended to the legislatures of the respective states to provide for the restitution of all estates, rights, and properties which have been confiscated belonging to real British subjects; and also of the estates, rights, and properties of persons resident in districts which were in the possession of his Britannic majesty's arms at any time between the thirtieth day of November, 1782, and the 14th day of January, 1784, and who have not borne arms against the said United States; and that persons of any other description shall have free liberty to go to any part or parts of any of the thirteen United States, and therein to remain twelve months unmolested in their endeavors to obtain the restitution of such of their estates, rights, and properties as may have been confiscated; and it is also hereby earnestly recommended to the several States to reconsider and revise all their acts or laws regarding the premises, so as to render the said laws or acts perfectly consistent, not only with justice and equity, but with that spirit of conciliation which, on the return of the blessings of peace, should universally prevail; and it is hereby also earnestly recommended to the several States that the estates, rights, and properties of such last-mentioned persons should be restored to them, they refunding to any persons who may be now in possession the *bona fide* price (where any has been given) which such persons may have paid on purchasing any of the said lands, rights, or properties since the confiscation.

*Ordered*, That a copy of the proclamation of this date, together with the recommendation, be transmitted to the several States by the secretary.\*

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\* RATIFICATION OF THE DEFINITIVE TREATY BY GREAT BRITAIN.

George the Third, by the Grace of God King of Great Britain, France, and Ireland, Defender of the Faith, Duke of Brunswick and Lunenburg, Arch Treasurer, and Prince Elector of the Holy Roman Empire, &c., to all whom these presents shall come, greeting:

Whereas a definitive treaty of peace and friendship between us and our good friends the United States of America, viz, New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, was concluded and signed at Paris the 3d day of September last, by the plenipotentiaries of us and our said good friends, duly and respectively authorized

Morris to the President of Congress.\*

OFFICE OF FINANCE, *January 16, 1784.*

SIR: I do myself the honor to transmit to your excellency the copy of a letter from Mr. David Sproat. I should not trouble Congress with it if the supplies mentioned had been advanced to persons taken in the service of the United States. As it is, I should suppose an express appropriation of money to this purpose to be necessary. Congress can best judge whether that it be proper, but if I were to express an opinion it would be that the payment of such debts is the most effectual mode of providing against those disastrous accidents which the citizens of America are liable to in common with the rest of mankind.

I am, sir, very respectfully, &c.,

ROBERT MORRIS.

Morris to the President of Congress.†

OFFICE OF FINANCE, *January 21, 1784.*

SIR: I do myself the honor to enclose the extract of a letter of the 10th instant from the quartermaster-general. The latter part of it, referring to a matter which he has long since brought before Congress, I shall not take the liberty of meddling with.

In the former part he alludes to a letter of the 27th of October last, in which he had stated to me the claims of individuals for damages done by the army. Instances are mentioned peculiarly distressing, and of a nature to require compassion, while justice demands for them somewhat more. I did not, on the receipt of this letter, address Congress on the subject of it, because the making any provision for the cases of individuals is laboring to very little purpose, and by stilling the cries of one only raises the clamors of hundreds. This, indeed, was the remote cause of the quartermaster's letter, for the resolution passed in the case

for that purpose, which definitive treaty is in the form and words following: [Here follows the treaty.]

We, having seen and considered the definitive treaty aforesaid, have approved, ratified, accepted, and confirmed it, in all and every one of its articles and clauses, as we do by these presents, for ourself, our heirs, and successors, approve, ratify, accept, and confirm the same, engaging and promising, upon our royal word, that we will sincerely and faithfully perform and observe all and singular the things which are contained in the aforesaid treaty, and that we will never suffer it to be violated by any one, or transgressed in any manner, as far as it lies in our power. For the greater testimony and validity of all which we have caused our great seal of Great Britain to be affixed to these presents, which we have signed with our royal hand.

Given at the court of St. James, the ninth day of April, one thousand seven hundred and eighty-four, in the twenty-fourth year of our reign.

GEORGE R.

\* MSS. Dep. of State; 6 Sparks' Dip. Rev. Corr., 669, with verbal changes.

† MSS. Dep. of State, 6 Sparks' Dip. Rev. Corr. 669, with verbal changes.

of Stephen Moore had given activity to the complaints of all those who knew of that resolution and labored under similar grievances. But a stronger reason for not troubling Congress on the subject was that I had already brought it before them in a letter of the 12th of August last. The following is an extract from that letter:

There is, however, among the commissioner's questions to me, one which Congress alone can answer in the affirmative, viz., *Are charges for buildings, fences, wood, &c., damaged or destroyed by Continental troops or militia, to be allowed?* Considering the extent and magnitude of this object, on the one hand and on the other, what serious injuries have been sustained by some individuals, the question is equally intricate and important. No answer has yet been given, although not unfrequently agitated, as the journals will testify. Whether Congress will leave it on the present footing, or order such damages to be allowed, or (making a distinction between wanton devastations and necessary impresse) leave the officer to account in one case and the public in another, or, finally, whether they will take a course between all these and order the accounts to be liquidated and reported, but the balances not to be finally allowed and certificates given until their further order, are questions which it is in their wisdom to determine by that extensive view of things which they possess.

I shall take the liberty to observe to your excellency that claims of this kind become daily more urgent. The people, recovering by degrees from their despondency as to the settlement of their old accounts, and beginning to feel some hope of eventual payment, and of consequence a firmer reliance on and belief in the justice of the United States, naturally look forward from the measures already taken to those which prudence and equity may still further dictate. Some provision ought certainly to be made; but I must repeat that the object is not only great as to the pecuniary amount, but extensive as to place, persons, claims, and circumstances. The caution hitherto preserved was therefore wise, but can no longer be adhered to, because the idea held up to every applicant was, that after a termination of the war, and not before, provision should be made.

I take leave, also, further to observe to your excellency that there is a material distinction to be made even among such of the claims as are otherwise similar, according to the times in which the respective causes of them may have originated, as whether they were previous or subsequent to the commencement of the year 1782; claims for supplies obtained during the latter period ought certainly to be considered as within the appropriations of money demanded for the current service, the quotas of which yet remain unsatisfied. In order, then, that this matter may come before the United States in Congress in such regular form as that some decision may be made, I shall submit to their wise consideration the following act:

Whereas the late wasteful and expensive war is now, by the blessing of Divine Providence, finally terminated. And whereas divers citizens of these States have, during the course thereof, sustained various injuries and damages, as well by the armies of the United States as otherwise, by the operation and effects of the war. And whereas no pro-

vision can as yet be made for the just relief of the sufferers, neither can it be determined to whom such relief may be due. And whereas it is the indispensable duty of every government in all things to the utmost of their power to do what to right and justice may appertain. Be it therefore ordained by the United States in Congress assembled, and it is hereby ordained by authority of the same, that each and every of the commissioners who are or may be appointed in pursuance of the resolutions of Congress of the 20th day of February last be, and they are hereby, authorised and directed to receive within the States to and for which they are or may be appointed, respectively, all claims and demands made by individuals for damages done to or sustained by them within such State during the late hostilities and by reason thereof, whether the same have been committed and done by officers or soldiers acting under the authority of Congress, or by the enemy. And be it further ordained by the authority aforesaid, that the said commissioners do require and receive such evidence with respect to each and every such claim as they shall judge fitting and proper, according to the nature and circumstances of the case, respectively, and where due evidence is produced in support of such claims that they do liquidate and adjust the same according to equity and good conscience. Provided always, that the said commissioners shall not give to claimants any certificates or other evidence of such adjustment. And be it further ordained by the authority aforesaid, that the said commissioners respectively do, from time to time, make return to the superintendent of our finances of the amount of each and every such claim, and the time when the same arose, whether previous to the 1st day of January, 1782, or subsequent to the last day of December, 1781; specifying clearly in the said return the nature of every claim in such full and ample manner as that, when the same shall be laid before the United States in Congress for their investigation, they may be thereby enabled to make such further order in the premises as to right and justice may appertain.

Before I close this letter I will trouble your excellency one moment longer to assign my reason for extending this provision to the case of damage done by the enemy. The investigation does by no means imply any recompense from the United States. But if there should be cases where such recompense is proper, the materials on which to judge will, by this means, be prepared. The great object, however, is to ascertain the damages done by the enemy, which will in this way come forward, so as that an account thereof can be made out with exactness to answer any purposes which future negociations with Great Britain may render necessary. To this I would add, that the expense of the business will be so trivial as not to be worthy of consideration when compared with the advantages to result from it.

I have the honor to be, with perfect esteem, &c.,

ROBERT MORRIS.

Morris to the President of Congress.\*

OFFICE OF FINANCE, *January 24, 1784.*

SIR: The reestablishment of peace having at length given room for the proper investigations, it becomes in me a duty of public justice to mention to Congress the situation of those persons in Canada, or out of it, who are creditors to the United States for property furnished or services rendered in that country. To these may, perhaps, be added those who have claims for damages sustained. Persuaded as I am that unless some general arrangements be taken on this subject, it will occasion a great expense of time and money, together with the loss of reputation, I think economy as well as justice calls for a due attention to the subject in the present moment.

I submit, then, the following ideas, not as being a perfect plan, but merely as hints to be perfected by the wise care of the United States. And first, it might be proper that a commissioner were appointed *to go into Canada* for the purpose of examining into the several claims above mentioned, with power to liquidate the same, and to give certificates of the amount. If it be a desirable thing that justice be done, it is a necessary thing that the inquiries be made on the spot. There, and there alone, can the due investigations take place, so as to prevent either the public or individuals from being defrauded. Besides it will cost no more to maintain a commissioner there than it will here, and many who have been both distressed and oppressed are confined to that spot by their circumstances. It may also appear to be of some importance that by doing justice to these people *unsolicited* we secure their affections, which will prevent Great Britain from using them hereafter against us. Neither will it escape the attention of Congress that such a commissioner may transmit useful intelligence. But this being rather in the Department of Foreign Affairs, I shall not enlarge on it.

A natural question will probably arise as to the means of payment. This may be answered by applying a like question to the case of other public debts. But I conceived that another, if not a better, answer may be given. If a new State were set off about Detroit, and the lands sold to all inclining to purchase, with permission to pay in certified Canadian debts, not only as specie, but even at a premium of five per cent., the lands would pay the debts, and the United States would gain more than the amount of the payment by the very act of making it. For an equal if not greater number of persons than the creditors in Canada would become settlers from that country, and bring with them property beyond their purchase money. Nor is that all; such State would become a barrier of infinite importance. It would secure eternal peace with the Indians, and it would secure the Indian trade, for it would soon place the principal traders at that spot in the character of American citizens.

With perfect respect, I have the honor to be, &c.,

ROBERT MORRIS.

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\* MSS. Dep. of State; 6 Sparks' Dip. Rev. Corr., 672, with verbal changes.

Luzerne to the President of Congress.\*

[Translation.]

ANNAPOLIS, *January 30, 1784.*

SIR: The undersigned, minister plenipotentiary of France, has the honor to inform Congress that his majesty, desiring to favor the progress of commerce between his kingdom and the United States, has appointed four consuls and five vice consuls, to reside in those cities of this continent where he has judged that the presence of these officers would be useful to his commercial and seafaring subjects. He has also appointed a consul-general, whose duty shall be more particularly to attend to the general objects of commerce. M. de Marbois has been appointed to fill this office. His majesty hopes that this choice will be the more agreeable to Congress, as he has resided many years in America, and especially as he has the honor of being known to that body. The new distribution which has just been made of consulates and vice consulates requiring a particular attention, the undersigned desires Congress to be pleased to appoint a committee empowered to treat with M. de Marbois on every subject relative to the recognition of the character of these new officers.

LUZERNE.

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Morris to the President of Congress.†

OFFICE OF FINANCE, *February 2, 1784.*

SIR: I have delayed answering your excellency's favor of the 4th of last month, in the hope that I might have been able to announce to you the having sent off the duplicate of the definitive treaty. Hitherto no opportunity has offered. But as Colonel Harmer has sailed and probably Lieutenant-Colonel Franks, I am not so anxious on that subject as I have been.

With sincere esteem, I am, &c.,

ROBERT MORRIS.

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Congress—Secret Journals. ‡

FEBRUARY 11, 1784.

The committee, consisting of Mr. Ellery, Mr. Jefferson, and Mr. Lee, to whom was referred a note from the honorable the minister of France, dated 30th January, informing that "his most Christian majesty, from a desire to favor the progress of commerce between his realm and these United States, has nominated four consuls and five vice-consuls to reside

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\* 6 Sparks' Dip. Rev. Corr., 128.

† MSS. Dep. of State; 6 Sparks' Dip. Rev. Corr., 674.

‡ MSS. Dep. of State; 1 Sparks' Dip. Corr. of the United States, 56.

in the towns of this continent where he has judged their presence to be necessary; and that he has appointed Mr. de Marbois consul-general of the thirteen United States," report :

That they have conferred with Mr. de Marbois, who produced to them four commissions for the said consuls, and five brevets for the vice-consuls, whereby it appears that the said Sieur de Marbois is appointed consul-general of France for the thirteen United States of America ; the Sieur de L'Etombe, consul of France for the States of New Hampshire, Massachusetts, and Rhode Island; the Sieur de St. Jean de Crevecoeur, consul of France for the States of Connecticut, New York, and New Jersey; the said Sieur de Marbois, consul of France for the States of Pennsylvania and Delaware; and the Chevalier D'Anne-mours, consul of France for Maryland and Virginia. Also, that the Sieur Toscan is appointed vice-consul at Portsmouth, in New Hampshire; the Sieur de Marbois, vice-consul at Rhode Island; the Sieur Oster, vice-consul at Richmond, in Virginia; the Sieur Petry, vice-consul at Wilmington, in North Carolina; and the Sieur de la Florët, vice-consul at Savannah, in Georgia. Whereupon—

*Resolved*, That the commissions and brevets of the said officers be registered in the Secretary's office; and that thereupon acts of recognition in due form be immediately issued to the States concerned, in order that they may furnish them respectively with their exequatur, or notification of their quality, that the same may be made known and published.

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Morris to Messrs. Willink & Co.\*

OFFICE OF FINANCE, *February 12, 1784.*

GENTLEMEN: I am to acknowledge the receipt of your favor of the 14th of October. My letter to you and the other houses will convey sufficiently my sentiments as to the disagreeable consequences occasioned by the ill success of our loan. I shall not here dilate upon that subject, which, for the present, I can only lament; for I agree, gentlemen, with you, that urgency on your part would rather damp the spirits of moneyed men than increase their exertions.

I see clearly that, if it were possible to convey an adequate idea of the wealth, extent, and power of this country, it would do a great deal towards exciting the favorable attention of mankind. But this is a very difficult thing, for the British ministers, and even their generals *in the country*, with all the pains they could take, and all the intelligence they could procure, were extremely ignorant of our resources. This is among the reasons why they pursued the conquest of America full three years after every sensible man in it saw that the thing was impossible.

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\* 6 Sparks' Dip. Rev. Corr., 679.

However, as you desire an account of our products, I will refer you to a very unexceptionable testimony, that of the British ministers themselves, in a pamphlet lately published under the eye of the court, by Lord Sheffield, in which the writer attempts to prove that we must trade with them whether they treat us well or ill. To show this, he gives certain facts, which, at least, prove that the British are our worst customers, so far as the sale and consumption of our produce is concerned. He proves, also, that if they have any advantage over others, it is what your countrymen may have in an eminent degree over them; I mean the securing a great part of our trade by giving credit to our solid mercantile houses.

But to return from that digression to the principal object of this letter, viz., the actual and probable resources of America. Let it be remembered, that a century ago the place from which this letter was written was an unlimited forest; that the whole State of Pennsylvania did not produce enough to support five hundred men after the European manner, and that every other part of America was, a little earlier or a little later, in the same situation. But now this very city is worth more than all the public and private debts put together which we owe to Europe.

M. Van Berckel has convinced me, gentlemen, of your good will and zealous endeavors to promote the interests of America. And I flatter myself that not only his representations, but my own conduct, will convince you of the just sense I entertain of those endeavors.

With esteem and respect, &c.,

ROBERT MORRIS.

Morris to Messrs. Willink & Co.\*

OFFICE OF FINANCE, *February 12, 1784.*

GENTLEMEN: On the evening of the 9th instant I received your letters of the 20th of November and 1st of December. The intelligence contained in these letters, so far as concerns the loan under your direction, and the bills which I had drawn upon the credit thereof, is very far from being agreeable.

The tenor of your last letter renders it necessary for me to obviate the constructions put on my conduct in drawing to that extent; and this is easily done, for it appears by your letters now before me that the total of those bills for a million did not exceed the funds actually in your possession by above six hundred thousand guilders; and if the second expedition of tobacco be deducted, that excess can not be considered as going beyond five hundred thousand. Now, gentlemen, I have already told you that Mr. Grand's drafts exceeded my expectation; but we will put this out of the question for the present, as I shall write

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\* 6 Sparks' Dip. Rev. Corr., 676.



on that subject to him; but you will observe that your letters announcing the decline of the loan did not reach me until the close of the last year, and therefore I could not have calculated on so great an alteration. The occurrences in this country which occasioned it have never appeared of any consequence to us who are on the spot, although, by exaggeration, they have staggered the minds of people in Europe. You will observe, also, gentlemen, that when my letter of the 1st of October was written I had not received any letter from you of later date than the 11th of June. The intelligence mentioned in my letters as having come through an indirect channel was contained in a letter from Mr. Adams himself, and your letters written in the months of July and August confirmed that intelligence. All this will appear if you compare our correspondence and place yourselves in the situation which the long passage of your letters of the 4th, 11th, and 26th of September placed me. The two first of these did not come to hand until a very few days ago, as you will observe that they are not acknowledged until the 9th instant. It has, therefore, been alike impossible for me to conjecture the hard fate of my bills or to provide against it by seasonable remittances.

But, as I have already mentioned, the sum total of the advance which those bills could have occasioned would not exceed five hundred thousand guilders, payable in all the month of March, supposing that the loan should produce nothing in the whole winter. By a circuitous negociation this payment might have been prolonged without difficulty, and you will see that the measures I am taking even at this late period would have produced the necessary funds in season. I have not, indeed, any right to expect that you would risk so heavy a sum in reliance on me; but if you had done it I should have felt the obligation, and I think my conduct would have been such as to convince you that the confidence was not misplaced.

Under the present very disagreeable circumstances, and not knowing whether Dr. Franklin has complied with your proposals, I can not take such decisive steps as I otherwise might. I enclose, however, a copy of the letter which I have written to him, and I shall proceed to make remittances as soon as the weather, which now shuts up our navigation, will permit. The advices which I shall receive from Europe while ships are lading, and which I daily expect, must govern me in the consignments, which is the reason that I can say nothing positive on that subject.

If Dr. Franklin has complied with your proposals, you will of course have accepted my bills to the extent of the million guilders. If he has not, it is possible that my letters to him may still arrive in season to prevent the protests for non-payment. If, however, this should not be the case I wish you to call on those who held the bills and tender payment on return of the bills, or on giving an indemnity against them, in which case you will also pay the costs of protest, interest which may

have accrued, and the like. If they will not do this, you will then be pleased to transmit notarial certificates of your tender of such principal, interest, and costs; and if your payments are accepted, to transmit immediate accounts thereof.

With respect to the three bills numbered one hundred and ninety-one, one hundred and ninety-two, and one hundred and ninety-three, dated the 21st of October, for two hundred and fifty thousand guilders each, I have agreed with the houses to whom I sold them that they shall still lay to be accepted or not, as may hereafter be determined, and in the mean time the United States are to pay the interest of their advances to me until they can reimburse themselves, or are paid by me, whichever shall eventually happen. The bill number one hundred and ninety-four, dated the 12th of December last, for one hundred thousand current guilders, I purchased and remitted on my own private account, and have given orders that it be not returned to this country; so that on that subject you may also be at ease. I shall receive on my private account the interest of the forty thousand dollars paid for this bill, on the same principles with which I have settled for the other bills just mentioned. And, by the way, you will see how great was my confidence in the success of your operations when I have involved my own private fortune in the purchase, not only of that bill, but also of four hundred thousand guilders out of the million. All which was done because the demand for exchange on London being greater than on your city, I bought those bills, remitted them, and drew on my private account to replace my funds, merely with a view to facilitate the public service. In addition to the bills just mentioned, there is one which I request may meet due honor. It is number one hundred and ninety-five, dated the 2d instant, payable at six months' sight, and for fourteen thousand three hundred and nineteen current guilders. This bill was drawn to replace bills drawn above two years ago at six months' sight on the American minister at Madrid, and protested for certain circumstances attending the negotiation of them; wherefore I was under the necessity of replacing them with twenty per cent. damages by a bill of equal dignity.

I am, gentlemen, &c.,

ROBERT MORRIS.

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Franklin to Laurens.\*

PASSY, *February 12, 1784.*

DEAR SIR: I received your favor of the 3d instant by your son, with the newspapers, for which I thank you. The disorders of that Government, whose constitution has been so much praised, are come to a height that threatens some violent convulsion if not a dissolution; and its phy-

sicians do not even seem to guess at the cause of the disease, and therefore prescribe insufficient remedies, such as place bills, more equal representation, more frequent elections, &c., &c. In my humble opinion the malady consists in the enormous salaries, emoluments, and patronage of great offices. Ambition and avarice are separately strong passions. When they are united in pursuit of the same object they are too strong to be governed by common prudence or influenced by public spirit and love of country; they drive men irresistibly into factions, cabals, dissensions, and violent divisions, always mischievous to public counsels, destructive to the peace of society, and sometimes fatal to its existence. As long as the immense profits of these offices subsist members of the shortest and most equally chosen parliaments will have them in view and contend for them, and their contentions will have all the same ruinous consequences.

To me, then, there seems to be but one effectual remedy, and that not likely to be adopted by so corrupt a nation, which is to abolish these profits and make every place of *honor* a place of *burden*. By that means the effect of one of the passions above mentioned would be taken away and something would be added to counteract the other. Thus the number of competitors for great offices would be diminished and the efforts of those who still would obtain them moderated.

Thank God we have now less connection with the affairs of these people, and are more at liberty to take care of our own, which I hope we shall manage better.

We have a terrible winter here; such another in this country is not remembered by any man living. The snow has been thick upon the ground ever since Christmas and the frost constant. My grandson joins in best compliments to yourself and Miss Laurens.

With sincere esteem and affection, I have the honor to be sir, &c.,

B. FRANKLIN.

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Morris to Messrs. Le Couteux & Co.\*

OFFICE OF FINANCE, *February 12, 1784.*

GENTLEMEN: Previously to my letter of the 13th of January I had received yours of the 10th of September and 18th of October. In one of my said letters I requested you to come under acceptance for Mr. Ross' bills, although my public bill in his favor should not be accepted. But Mr. Ross assures me that he has not yet drawn and promises that he will not draw on the credit of that bill until my advices from Europe shall warrant it, so that my precaution in this respect was unnecessary. Neither is that bill to be protested if not paid when it falls due, but it is to be held by you for Ross' future orders. Those advices which I have lately received are far more agreeable, and it is probable that my

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\* 6 Sparks' Dip. Rev. Corr., 674.

letters written to Dr. Franklin in consequence of them may induce him to apply for your friendly aid to prolong the time of payment of some bills which I had drawn on the credit of that loan, and which, to my great surprise, the negociators of it were not in cash to answer. Should he make any such application, gentlemen, I am to request that you will come in with your extensive credit to support that of the United States; and you may rely that I will take care, by proper and speedy remittances, finally to absolve your engagements.

I have this day given to the house of Peter Whitesides & Co. my bill on you (number ninety-seven), payable at ninety days' sight, and for three hundred thousand livres. I am to desire your acceptance of that bill which I have drawn, to prevent, if possible, the protest of bills drawn by that house in consequence of one of my said bills on Amsterdam. To put you in cash for that sum I have purchased already seven hundred hogsheads of tobacco, now lying ready for shipment at Alexandria, Virginia, and directed farther purchases, as also the chartering of vessels to carry it to Europe. I shall make you a shipment of from seven to eight hundred hogsheads as soon as the weather will permit, for at present all our navigation is shut up by the ice. This tobacco shall be shipped to your order at L'Orient, and I think that, with every allowance for delay, it must leave the Chesapeake by the 1st of April at farthest, and will arrive within two months after the bill shall have been presented. The sales of it will therefore put you in cash to answer the bill. But to render the matter as safe as possible you shall have early advices, so as to make the insurance, which will answer the bill, should the tobacco fail. After all, gentlemen, it is possible that you may be in advance for a short time. But I make not the least doubt that you will cheerfully go into the proposed operation, at present necessary to the United States, and which (that necessity out of the question) is in itself among the best kinds of commercial transactions. In order, also, to place you more perfectly at your ease I agree to make good any expense which may be incurred by negociations to prolong the payment should it be inconvenient for you to make the actual advance, and should such advance become necessary by accidents of the sea or other unforeseen circumstances. But at all events my said bills must be honored.

With esteem and respect, &c.,

ROBERT MORRIS.

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Morris to Grand.\*

OFFICE OF FINANCE, *February 12, 1784.*

SIR: The last letter which I have received from you is of the 12th of September, and in that you have left a blank for the amount of funds received from Amsterdam, and inform me that you expect again to

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\* 6 Sparks' Dip. Rev. Corr., 675.

apply for more, as Mr. Barclay could not tell what sum he should be able to pay you nor when. My letters from Messrs. Wilhelm and Jan Willink, Nicolas and Jacob Van Staphorst, De la Lande and Finjé announce to me a sum remitted to you beyond the idea which I had formed of your wants, and the consequence of it is that bills I had drawn on them remained unprovided for. Not having received letters from you in so long a time, it is impossible for me to guess at the exact state of your accounts; but if Mr. Barclay has placed in your hands the sums which I expected he would have done, it appears to me that the United States must have been considerably in advance to you at the very moment when my bills were in the critical situation above mentioned. I shall not, however, draw any conclusions on this subject before I receive those advices from you which I am in the hourly expectation of. As I do not know whether any effectual measures have yet been taken to provide for the bills which I had drawn, and which the houses in Amsterdam were not in cash to answer, owing to a sudden failure of the loan entrusted to their management, I have written to Dr. Franklin on that subject, and am now to request your aid in the business, so that time may be given for the arrival of those remittances which I am making to provide for the consequences should the loan continue unproductive. On this occasion I confidently rely on your efforts, and I persuade myself that the credit of the United States, so long preserved in Europe through doubtful and dangerous events, will not now be suffered to expire for the want of a very little timely aid and attention.

I am, sir, &c.,

ROBERT MORRIS.

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Morris to Franklin.\*

OFFICE OF FINANCE, *February 12, 1784.*

DEAR SIR: Three days ago I received, in a letter of the 1st of December from Messrs. Wilhelm and Jan Willink, Nicolas and Jacob Van Staphorst, De la Lande and Finjé, at Amsterdam, a copy of their letter to you of the 30th of November. Enclosed you will have a copy of my answer of this date. I flatter myself that you will not have suffered the public credit to be ruined for want of an engagement to the amount of so small a sum as might be necessary to avoid the danger to which it was exposed, and I wait in the anxious expectation of hearing from you what arrangements have been taken on this subject, as I wish to conform my measures to them. If, contrary to my expectations, some unforeseen causes should have induced you to decline so necessary an engagement, I hope this letter may arrive in season, and induce you to do it.

You will observe that a copy of this letter is transmitted to the houses

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\*6 Sparks' Dip. Rev. Corr., 680.

in Amsterdam, but I have not sent a copy of the enclosed letters to Mr. Grand and Mr. Barclay, which are left open for your perusal. I have not time now to go particularly into the estimation of their accounts, but I am almost persuaded that there is, between them, and ought to be in the hands of the former before this time, about half a million of livres belonging to the United States. But in the present exigency I shall not reckon on this sum, nor on the second expedition of five hundred hogsheads of tobacco, which are, I presume, before this hour arrived at Amsterdam. I shall calculate on a deficiency of five hundred thousand guilders, and prepare remittances as fast as proper articles can be purchased to that amount, because the surplus may be well disposed of to answer the interest of the Dutch loan, which falls due in June next.

If, therefore, you can adopt any measures by which, in circuitous negotiations, the time of payment can be prolonged, you may rely on the arrival of such remittances in the months of June and July at farthest, as shall fully answer the sums which may then fall due, and, as I have told the gentlemen in Amsterdam, the advices which I may receive will govern the direction of those remittances. I shall give immediate orders for the purchase of one thousand hogsheads of tobacco, and as that amount is completed, I shall extend it according as circumstances may require.

The season has been so intemperate that the navigation of the Chesapeake is to this hour shut up by the ice, but that can not last much longer, and therefore I have good hopes that some capital shipments may depart before the 1st of April; and should the urgency of the case require it, I can draw at long sight on the consignees and transmit the bills, which will enable a farther negotiation if necessary. The means of making remittances are now, thank God, in my power; for the amount of taxes exceeds that of the expenditures, which last are reduced almost to nothing; and as the revival of commerce must increase the means of paying taxes, I have no other solicitude for the event than what arises from the want of time to make due arrangements. This want, I persuade myself, you will remedy, if you have not already provided against it. And you may rely that any engagements you may think it necessary to take shall be most punctually complied with by me.

With unfeigned esteem and respect, I have the honor to be, yours, &c.,

ROBERT MORRIS.

P. S.—Since writing the above it occurs to me that there is (particularly on the present occasion) a propriety in transmitting to you the best account in my power of the situation of things, as to the funding of our public debt. I say the best in *my power*, for I know not what is done southward of Virginia, no mail having come from thence in upwards of six weeks, by reason of the inclemency of the weather, which greatly impedes our intelligence from every quarter. New Hampshire, Massachusetts, New Jersey, Pennsylvania, Delaware, Maryland, and

Virginia have adopted the plan recommended by Congress. I am assured that New York and Connecticut will adopt it very speedily; and I am told, on good authority, that Rhode Island will come in as soon as the example of the other States is communicated. It is in consequence of my conviction that the plan will soon be agreed to by all that I have published an advertisement of the 9th instant, a copy whereof is enclosed.

R. M.

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Morris to Franklin.\*

OFFICE OF FINANCE, *February 13, 1784.*

DEAR SIR: I have written to you under yesterday's date on a very interesting subject, and I will now add something farther, which I did not choose to place in that letter, as a copy of it is transmitted to the houses in Holland. And first, I will give you an account of my situation as accurately as possible, in order that (seeing the whole state of my engagements and the means of fulfilling them) you may rest at ease under the operation I have requested, and which I must now most strongly urge and entreat you to engage in.

My present actual engagements are threefold, viz., first, general engagements for the public service not yet satisfied, including therein the notes issued by me which remain in circulation; secondly, my bills of exchange unpaid; and thirdly, my debts to the national bank.

The first of these it is difficult to ascertain with exactness, for I take into the account all payments to be made for past services and the like, and I set against it sundry sums to be received, and the public goods which are yet to arrive. It can not be expected, therefore, that any great precision will take place in this estimate, but from the clearest insight I have, the amount is rather under than over one hundred thousand dollars.

The second stands thus: I drew for a million of guilders, of which, calculating the extent, not more than one-half remains unprovided for, as I have observed in my letter of yesterday. This half may be considered as of the value of two hundred thousand dollars. Besides this sum, I have drawn three bills of two hundred and fifty thousand guilders each, and one of one hundred thousand guilders, for which I have received three hundred and forty thousand dollars; but as I have agreed that those bills shall not be protested, they are not to be carried to the account of bills of exchange.

My debt to the national bank is the above sum of three hundred and forty thousand dollars, obtained from them by discounting notes received for the bills of exchange, and which notes they will continue on interest until taken up by my payments here, or by my moneys raised on the

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\* 6 Sparks' Dip. Rev. Corr., 682.

drafts of the parties who gave them, should my bills be eventually paid in Europe.

In this calculation you will perceive that I make no mention of any moneys which I suppose to be in the hands of Mr. Grand, because, for the greater certainty, I will, on the present occasion, consider them as equal to answer for contingencies only. And on the other hand, I will not calculate the interest to arise on moneys borrowed in Europe, because, although that object may be stated as of the value of from one hundred and fifty to two hundred thousand dollars, yet to answer it, I place first the general system of funding the public debts, and, secondly, whatever small sums may arise on the Dutch loan, supposing it to have no success worth counting on for other purposes.

Hence, therefore, we will state the account as of the first of the present month, thus :

Balance due for past services.....	\$100,000
Due for bills of exchange drawn.....	200,000
Due to the national bank .....	340,000
	<hr/>
	640,000
Add for contingencies.....	10,000
	<hr/>
	650,000

We come now to the means of making payment, after rejecting all hope of any material aid from the Dutch loan, and they are as follows: The taxes for the last four months, ending the 31st of January, amounted to somewhat more than two hundred thousand dollars. Towards these taxes the States of Delaware, North Carolina, and Georgia have as yet paid nothing. Neither is there anything paid by the State of South Carolina within the account of those months. The States of New Hampshire, Connecticut, New York, Maryland, and Virginia have paid very little in proportion to their present ability, and the other four States will all, by the extension of peace and commerce, be in better circumstances for revenue than they were before.

From the States of New York, Maryland, Virginia, and South Carolina I expect to derive very considerable relief; particularly from the first, by a proposed sale of confiscated lands. However, I shall (after deducting from the probable increase of the revenue so much as may pay the current expenditures) calculate the surplus and the proposed sales of lands as amounting to no more than two hundred and fifty thousand dollars by the end of next September. This, then, will place the sum unprovided for at the amount of four hundred thousand dollars, and the fund to pay it at fifty thousand dollars per month. That fund will discharge the first article above mentioned by the end of March; and the next thing to be provided for is the two hundred, to answer bills of exchange drawn.

The intended provision for that object is as follows: I shall borrow immediately one hundred thousand dollars of the bank, and direct purchases of tobacco and rice, partly with cash, partly on credit, and partly



by bills drawn on me. By this means I can with that one hundred thousand dollars have the purchases made in all March and April, so that the shipments to the required amount of two hundred thousand dollars will take place, some in March, some in April, and all of them, I hope, by the end of May. The taxes during April and May will pay the purchases on credit and the bills drawn on me; and the taxes in June and July will pay the hundred thousand dollars due to the bank. By the end of September, therefore, I may calculate on a full discharge of all these debts.

If the loan should meet with success, my relief will be more speedy; but you will see, sir, from this detail what is most important to you, viz., that the funds will be placed in Europe, during the months of June and July, to pay the half million of guilders which I desire you to provide for. I suppose the mode of circuitous negotiations to be very familiar with your bankers, but I would hint at the following as practicable: Suppose the houses in Amsterdam to draw, in the month of March, on Mr. Grand at sixty days' sight; Mr. Grand might, in May, draw on a good house in London for his full reimbursement, and the house in London might, in like manner, reimburse on Messrs. Le Couteulx & Co., by which time the remittances would arrive. Or the time might be still farther extended if the house in London should reimburse on Messrs. Wilhelm and Jan Willink, and they on Messrs. Le Couteulx. Or the last bills might, perhaps, be drawn on Mr. Grand instead of Messrs. Le Couteulx. However, supposing that the credit of those gentlemen might be useful, I have requested them to aid your operations should you think proper to ask their aid.

And now, my dear sir, let me, before I close this letter, entreat of you most earnestly that the public credit, just beginning to revive, be not totally lost for a want of an effort which is but nothing in comparison with what we have already experienced and passed through with success.

With very sincere esteem, yours, &c.,

ROBERT MORRIS.

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Franklin to Strahan.\*

PASSY, *February 16, 1784.*

DEAR SIR: I received and read with pleasure your kind letter of the 1st instant, as it informed me of the welfare of you and yours. I am glad the accounts you have from your kinswoman at Philadelphia are agreeable, and I shall be happy if any recommendations from me can be serviceable to Dr. Ross or any others (friends of yours) going to America.

Your arguments, persuading me to come once more to England, are

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\* 10 Sparks' Franklin, 68; 8 Bigelow's Franklin, 449.

very powerful. To be sure, I long to see again my friends there, whom I love abundantly; but there are difficulties and objections of several kinds which at present I do not see how to get over.

I lament with you the political disorders England at present labors under. Your papers are full of strange accounts of anarchy and confusion in America, of which we know nothing, while your own affairs are really in a deplorable situation. In my humble opinion the root of the evil lies not so much in too long or too unequally chosen Parliaments, as in the enormous salaries, emoluments, and patronage of your great offices, and that you will never be at rest till they are all abolished and every place of honor made at the same time, instead of a place of profit, a place of expense and burden.

Ambition and avarice are each of them strong passions, and when they are united in the same persons and have the same objects in view for their gratification, they are too strong for public spirit and love of country, and are apt to produce the most violent factions and contentions. They should, therefore, be separated and made to act one against the other. Those places, to speak in our old style (brother typo), may be good for the *chapel*, but they are bad for the master, as they create constant quarrels that hinder the business. For example, here are two months that your government has been employed in *getting its form to press*, which is not yet fit to *work on*, every page of it being *squabbled*, and the whole ready to fall into *pie*. The fonts, too, must be very scanty or strangely *out of sorts*, since your *compositors* can not find either *upper* or *lower case letters* sufficient to set the word administration, but are forced to be continually *turning for them*. However, to return to common (though perhaps too saucy) language, do not despair. You have still one resource left, and that not a bad one, since it may reunite the empire. We have some remains of affection for you, and shall always be ready to receive and take care of you in case of distress. So, if you have not sense and virtue enough to govern yourselves, e'en dissolve your present old crazy constitution and send members to Congress.

You will say my *advice* "smells of Madeira." You are right. This foolish letter is mere chitchat *between ourselves* over the *second bottle*. If, therefore, you show it to anybody (except our indulgent friends Dagge and Lady Strahan) I will positively *solless* you.

Yours, ever, most affectionately,

B. FRANKLIN.

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Morris to Jefferson.\*

OFFICE OF FINANCE, *February 25, 1784.*

SIR: Your letter of the 1st instant reached me but a few days since, and I seize the earliest moment in my power of replying to it. I shall reply also in this letter to that with which I was favored from Mr. Will-

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\* MSS. Dep. of State; 6 Sparks' Dip. Rev. Corr., 685.

iamson, and pray both him and the committee that they will excuse it, assuring them that it proceeds from a desire of collecting all I have to say on the subject under one point of view.

It was and is my opinion, and has frequently been expressed, that the calls of Congress should be confined to the arrears of former requisitions so long as it can be possible out of such means to defray the current expenditures. And although it has been necessary to comprise a part of the expenditures of 1782 and 1783 within that debt for the interest whereof permanent funds have been required, I thought it my duty to oppose any relinquishment of the existing requisitions. I will not repeat the reasons, because the grand committee appear to be of the same opinion. It was evident that if those requisitions should produce more than the current expenditure, the surplus would easily be applied towards discharging a part of the debt which arose during the years 1782 and 1783.

Enclosed, sir, you will find the required amount of taxes received to the end of last year. But since that period there have been farther receipts, and I must observe that among these are some small sums collected in New Jersey and Pennsylvania on the requisitions for 1783. But these are nevertheless carried in the treasury books to account of the unsatisfied requisitions of 1782.

Confining myself to round numbers, because I presume the committee would rather receive information materially right in season than wait for greater accuracy at the expense of moments every one of which must be precious, I take leave to mention that the arrearages on the requisitions of 1782 and 1783 exceed eight millions, and that one of those eight millions would pay the unfunded expenditures from the end of 1781 to the commencement of the current year; by which term of *unfunded expenditures*, used for want of a better, I mean such part of the public debt as arose in that year, and which, not having been carried to the account of the public debt, but remaining due on my official engagements and anticipations, must still be provided for out of the requisitions. There will remain, therefore, at least seven millions for the service of this year and payment of a part of the former debt, should the collections be so rapid as to pay off the required million beyond the immediate expenses, which I confess there is but little reason to expect. It will, however, be useful that pressing application be made to the States to complete their quotas under those requisitions; for if only one hundred thousand dollars were employed in payment of our funded debt before January next, in addition to the provision for paying the interest, we might then consider the independence of our country as firmly established. I shall dwell no longer on this subject, which will, I am sure, be better matured by the committee than by any of my reflections. But I am bound to mention, sir, that, from the slowness and smallness of the collections, our finances are in a more critical situation than you can easily conceive—such that I dare not leave this place, although I am very desirous of paying my respects to Congress at Annapolis.

As to the vote of September, 1782, requiring one million two hundred thousand dollars for payment of interest on loan-office certificates, &c., I have no official information of what has been done by the States; some among them have, I believe, directed the issue of certain other kind of certificates for payment of that interest; but as the acts do not conform to the resolution of Congress, I can not know what conduct the loan officers have pursued. It is much to be lamented that the States individually are not sensible how necessary it is to conform to general regulations; on every occasion some local convenience is consulted and a deviation made which appears to be of little consequence to the general system, and which is nevertheless important and becomes injurious to the very State by which it was made. The idea of an officer dependent only on Congress, amenable only to them, and consequently obedient only to orders derived from their authority, is disagreeable to each State and carries with it the air of restraint. Every such officer, therefore, finds the weight of public opinion to contend with. But how, in a continent so extensive, can that simplicity of administration which is essential to order and economy be introduced unless such officers are not only tolerated but aided by the legislative and executive authorities. I will pursue these ideas no further for the present, because I think the opportunity will arrive in which the subject must be considered with more diffused attention.

Enclosed, sir, I have the honor to transmit an account of the civil establishment of the United States, together with an account of contingent expenses of the several officers. Neither of these is as complete as could be wished, though as perfect as they can at present be made. You will doubtless observe that all the offices are not completely filled, and that all the contingent expenses are not brought into the account. Among the latter omissions is the contingent expense of our foreign ministers, which will, I am persuaded, be far from inconsiderable. I have thought it proper, also, to transmit to the committee an estimate of the sum at which our civil establishment might be fixed; and on this estimate I make the following general observations: 1st. That the articles of contingencies therein mentioned are carried out on conjecture, and therefore the sum total may be somewhat more or less, according to circumstances. 2dly. That the numbers, titles, and salaries of the several officers being entirely in the disposition of Congress, they will add to or diminish from them as they may think proper, wherefore the totals will doubtless be different from what I have stated; and 3dly. That a very considerable part of this expense being occasioned by the old accounts, will cease of itself when those accounts are settled.

I proceed, then, to observe more particularly on the expenses of the President's household. 1st. That the present mode is certainly objectionable, as I have frequently had occasion to observe, and which I now repeat with the more freedom, as nothing which can be said will bear the least personal application. My reasons are, 1st. No person not

accountable to the United States should be invested with the right of drawing at will on the public treasury. 2dly. Every expenditure ought, as far as the reason and nature of things will permit, to be ascertained with precision. 3dly. A fixed salary being annexed to the office of President of Congress, he will be more effectually master of his own household, and in consequence a greater order and economy may reasonably be expected.

On the expenses of the office of Secretary of Congress, I shall say nothing. The expenses, the duties, and the cares are so immediately under the eye of Congress themselves, that it would be presumption. But I would observe that to the account of the contingencies of this office ought to be carried the expense not only of office rent, stationery, &c., but also fuel for Congress, printing of the Journals, expresses sent by Congress, and the like.

The chaplains of Congress receive, at present, at the rate of four hundred dollars each. If the office be necessary, it ought to be so supported as that the officers may be entirely attached to Congress, and accompany them in their changes, or fix at their permanent place of residence; whichever of these modes shall eventually be adopted, I have ventured to state their salaries at one thousand dollars each. Perhaps I am still under the proper sum.

On the expense of the court of appeals I can say nothing, because I know not whether the continuance of it be necessary. But I should suppose that, if three gentlemen well versed in the law of nations were, from the tenure of their offices, to be always with Congress (so as to be consulted and employed when the public service might require it), such an establishment would be continued, if the expense did not exceed the utility.

When all our accounts shall be settled, our debts either paid or properly funded, and things reduced to a peace establishment, the expenses of the office of finance may perhaps be reduced about two thousand dollars, by taking away the salaries of the assistant and one clerk, and adding somewhat to that of the secretary; under the present circumstances I do not think the number of the officers can be lessened. The salary of the superintendent has often been mentioned as very high. This is a subject on which I can speak with great plainness, and, but for the disagreeable situation of things above mentioned, I should speak also without any personal reference. I humbly conceive that the object of Congress is what it certainly ought to be, an enlightened economy. On the powers of the office I will say nothing here, because it would be misplaced. The expenses of it are, and ought to be, great. Until we can create new beings we must take mankind as they are; and not only so, but we must take them as they are in our own country. Now it is evident that a certain degree of splendor is necessary to those who are clothed with the higher offices of the United States. I will venture to say that without it those officers do not per-

form one of the duties which they owe to their masters; and I can say also, from experience, that a salary of six thousand dollars does not exceed the expense of that officer. I speak for my successor, or rather for my country. Neither the powers nor emoluments of the office have sufficient charms to keep me in it one hour after I can quit it with consistence, and I did hope that period would have arrived during the next month. Perhaps it may. If a man of fortune chooses to run the career of vanity or ambition, he will naturally wish the salaries of office to be low, because it must reduce the number of honest competitors. I say honest competitors, because those who would make a property of public trusts will always be indifferent as to the amount of salary, seeing that with such men it forms the smallest pecuniary consideration. When a liberal salary enables a man, not rich, to live in a style of splendor without impairing his private fortune, the show he makes and the respect attached to him really belongs to the country he serves, and are among the necessary trappings of her dignity. Now, it has always appeared to me that true economy consists in putting proper men in proper places; to which purpose proper salaries are a previous requisite. Here I shall pause, because the reflection occurs to my mind, that, perhaps, this, with many other propositions equally true, will never be duly felt until an opposite conduct shall lead to disagreeable conviction. If, indeed, it were my object to enforce this point, I should go no further than the past experience of Congress, and, perhaps, there might be room for some argument on the actual state of the office of Foreign Affairs. The expenses of that office, as well as of the War Office, require only a reference to what has been just mentioned. The expenses of the treasury office can not be curtailed, for, before the present business can be lessened, that of our debt must come forward, and there must be some persons to manage it, although the great machinery at present employed will be unnecessary.

For reasons of evident propriety, I say nothing on the establishment of our foreign servants, only recommending that as little as possible be left to the article of contingencies. Because, if, on the one hand, it be just to compensate extraordinary and unexpected expenses for the public service, it is proper, on the other hand, to reduce within the closest limits of certainty which the nature of things can permit the amount of those burdens which the people must bear. And it ought to be remembered that the contingencies are, generally speaking, a kind of expenses which, though justified by necessity, are unprovided for by express appropriation, and which, therefore, ought as much as possible to be avoided.

The last article is expenses on collection of the revenue; and it is much to be lamented that this is so heavy; not, indeed, the sum proposed in the estimate, which is trifling, but it will be found, on examination, that the expense of collecting taxes in this country is greater than in almost any other; a serious misfortune, and which would cer-

tainly be provided against if the officers of the collection were nominated by authority of the United States; because then those principles of suspicion which have already done so much and spoken so loudly would soon fix upon a grievance, at present overlooked, because it forms part of the system favorable to withholding instead of collecting taxes. It has already been observed that officers of the nature of receivers are necessary in the several States; it is here repeated, and experience will prove it. At the same time the committee will please to take notice that the loan officers are not included in the estimate; the reason of which is, that they can answer no purpose but the expense of the appointment, and the complicating of a system which ought to be simplified. An officer whose duty it is to urge collections may do good if he performs that duty; but when it is a question of paying, means may be adopted which will be more effectual, less expensive, and infinitely less liable to fraud. Not to mention that these means may be such as to avoid long and intricate accounts. In fact (and I hope, sir, you will excuse the observation), there seems to have existed a solicitude how to spend money conveniently and easily, but little care how to obtain it speedily and effectually. The sums I have proposed as fixed salaries for these officers may at first sight appear large; but if the office is to be at all useful it must be in the hands of a good man, who can devote to it his whole time and attention, and who will neither by his private distresses nor by the scantiness of his stipend be prompted to betray his trust or abuse the confidence reposed in him.

Before I close this letter, I will take the liberty further to mention to the committee, as a principal means of avoiding many disagreeable discussions relative to the present object, that the establishment of a mint and due regulations of the post-office would soon supply the funds necessary to defray the expenses of our civil establishment. The former of these is entirely in the power of Congress, and I should suppose that the States could have no reasonable objection to leave the revenue which might arise from the second to the disposition of Congress for that purpose.

I pray you to excuse me, sir, for troubling you with so long a letter, which I will not add to by making an apology; but assure you of the respect, with which I have the honor to be, &c.,

ROBERT MORRIS.

PROPOSED EXPENSES OF THE CIVIL LIST.

President of Congress, his household.....	\$10,000	
His private secretary.....	500	
		\$10,500
Secretary of Congress.....	3,000	
Two clerks.....	1,000	
Messenger.....	300	
		\$4,300
Contingencies: fuel, stationery, rent, &c. ....	750	
		5,050

Chaplains of Congress.....		\$2,000
Three judges of appeals, at \$2,250 each.....	\$6,750	
Contingencies during their sittings.....	150	
		6,900
Superintendent of finance.....	6,000	
Assistant.....	1,850	
Secretary.....	1,000	
Clerks, three.....	1,500	
Messenger.....	300	
	10,650	
Contingencies.....	750	
		11,400
Minister of war.....	6,000	
Two clerks.....	1,000	
Messenger.....	300	
	7,300	
Contingencies.....	500	
		7,800
Minister of foreign affairs.....	6,000	
Two secretaries.....	2,000	
Messenger.....	300	
	8,300	
Contingencies.....	500	
		8,800
Controller of the treasury.....	1,850	
Auditor.....	1,000	
Six clerks.....	3,000	
	5,850	
Register.....	1,200	
Four clerks.....	2,000	
	3,200	
Treasurer.....	1,500	
Clerk.....	500	
	2,000	
Messenger.....	300	
	11,350	
Contingencies.....	1,000	
		12,350
		64,800
Two foreign ministers at \$10,000 each.....	20,000	
Five residents, with consular powers, at \$6,000.....	30,000	
Contingencies.....	10,000	
		60,000
Permanent expense.....		124,800
Temporary expense:		
A commissioner of accounts here, salary.....	1,500	
A commissioner for settling old accounts in Europe, his clerks, contingent expenses, etc., suppose.....		10,000
Two clerks.....	1,000	
Contingencies.....	250	
	2,750	
Multiply by.....	18	
	49,500	
		59,500
		184,300



Carmichael to Franklin.\*

MADRID, *February 27, 1784.*

DEAR SIR: I have delayed writing to your excellency in expectation of having it in my power to advise you that the unfortunate Mr. Hartwell would be entirely extricated from the situation to which, however, as you will see by the enclosed papers, his imprudence exposed him. Much about the time I received your excellency's letter respecting his confinement at Logrono, one written to me from Bordeaux gave me the same information. I immediately wrote to Bilboa to obtain a circumstantial account of the above-mentioned gentleman; but not receiving in course of post an answer to my letters, I made use of that of your excellency in an office I passed to his excellency the Count de Florida Blanca, reclaiming his liberty and the restitution of his property. The annexed, No. 1, is a copy of the answer thereto. Your excellency will perceive by its contents that some time must elapse, owing to the forms established by the tribunals of the Inquisition, before the prisoner could receive any material benefit from my application; and, in consequence, although I frequently pressed despatch in an affair which affected the liberty and interests of a countryman, I did not receive further advice from the minister until the 2d of last month. No. 2 is a copy of Count de Florida Blanca's letter. In the interval between the reception of the above-mentioned letters, the enclosed, No. 3, was sent me without signature, by a person at Bilboa, whom I know to be connected with Mr. Hartwell. On receiving the answer of the court, No. 2, I wrote to Mr. Hartwell to know what I could do further for his service. I have lately received a letter from him requesting me to procure him entire liberty. The Count de Florida Blanca will readily grant his request on condition that he will leave Spain. The condition is not made by the minister, but by the confessor and inquisitor general.

The altercation which the case of Mr. Hartwell has occasioned between the Count de Florida Blanca and the two latter will give a great shock to the power of the Inquisition, as I am assured that the tribunal will be restricted in future from passing sentence on any grandee of Spain, on all persons employed in the councils, in the army, navy, &c., or on any foreigner, until the process has been submitted to his majesty; that is, to his minister.

In the month of November I received advice from Cadiz of the capture of an American vessel by a corsair of the Emperor of Morocco. I was also informed you had been applied to on the same subject. I immediately requested the chargé d'affaires of France, agreeably to the eighth article of our treaty, to write to the consul of his nation to employ his good offices to procure the liberation of the vessel and crew, and to endeavor to induce the Emperor to suspend further hostilities until Congress have time to take such measures as they might judge

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\*3 Sparks' Dip. Corr. of the United States, 285.

proper to produce a good understanding between the two countries. I also prevailed on the ambassador of Holland, the minister of Sweden, and chargé d'affaires of Denmark to write to their respective consuls for the same purpose. Finding by letters which I received from the seaports of this kingdom that the merchants were under the greatest apprehensions for vessels expected from America, I took occasion to insinuate to the Count de Florida Blanca how agreeable it would be to the people of America to learn that his Catholic majesty has interposed his interference on a subject of such importance to their commercial interests, that not being authorized, I could not officially request it, but that animated by a sincere desire to promote a good understanding between the two countries I could not let slip the occasion of giving his excellency an opportunity of exerting his influence with his majesty to render a service which could not be but productive of the happiest consequences. That minister, with much apparent candor, assured me of his readiness to serve us on this occasion, but seemed to think it requisite that I should write to him on the subject. This I did, and No. 4 is the copy of his answer. The enclosed copies of letters which I have received from Barbary will show your excellency the situation in which this affair remains.

I lately received letters from Robert Morris, esq., containing a letter from the president of the committee of the States, and copies of letters from Mr. Pollock and others, at Havana, complaining of the cruelty and injustice of the Spanish government. I immediately laid these complaints before the minister, and have obtained orders to render justice to the parties aggrieved. The Governor will be reprimanded by the King's direction. I have not yet received these assurances in writing, but have been promised an answer to my office in time for the March packet. I meant to have written more fully to your excellency, but as the person to whose care I commit this is only waiting for my letters I must conclude with praying you to make the proper compliments for me to Messrs. Adams and Jefferson, to the Marquis de La Fayette, and my namesake, and believe me, with much respect, etc.,

WM. CARMICHAEL.

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J. Adams to the President of Congress.\*

THE HAGUE, March 2, 1784.

SIR: I have the honor to enclose copies of three notes from the Prussian minister, the Baron Thulemeier, by which Congress will see that the King has agreed to take our treaty with Sweden for a model, reserving to each party the right of suggesting such alterations as shall appear to him convenient. My request to Congress is that they would be pleased to send instructions at the same time when they send a com-

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\* 1 Sparks' Dip. Corr. of the United States, 438.

mission what articles of the treaty with Sweden they would have expunged and what new ones inserted, if any. I mention the sending of a commission because I suppose it is the intention of Congress to send one. The instructions already received are not a full power under which any sovereign can conclude, nor regularly even treat; we can only confer. There will be some difficulty about the signature, since his majesty chooses the negotiation should be conducted by M. de Thulemeier. If Congress send the commission to their ministers at the late peace as they did the instructions, M. de Thulemeier must take a journey to Paris, or a majority of American ministers must be at the Hague.

It is a great pleasure to me to be able to inform Congress that I have obtained the promise of a sum sufficient upon the new loan to save the honor of the financier's bills, although I regret the severity of the terms. They were the most moderate which would obtain the money. I hope for the approbation of Congress and their ratification of the contract as soon as may be. Money is really so scarce, and there are so many loans open on even higher conditions, that it will not be possible, I fear, to obtain more money here on more reasonable ones. An impost once laid on to pay the interest, whether by the authority of Congress, if that should be agreed to, or by that of several States, would soon give us better credit here. But in order to keep our reputation, upon which our credit depends, there should be somebody constantly residing here to publish illustrations of our affairs and to confute the the calumnies of our enemies of all denominations.

With great and sincere respect, &c.,

JOHN ADAMS.

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Hartley to Franklin.\*

LONDON, *March 2, 1784.*

MY DEAR FRIEND: Will you be so good as to transmit the enclosed to Mr. Jay? I am sorry that we are going to lose him from this side of the Atlantic. If your American ratification should arrive speedily, I might hope to have the pleasure of seeing him again before his departure. As soon as I hear from you of the arrival of your ratification I will immediately apply for the despatch of the British ratification. I wish very much to have the pleasure of conversing with you again. In hopes that that time may come soon, I have nothing further to say at present. Believe me always to be, what you have always known me to have been, a friend of general philanthropy, and particularly your ever most affectionate,

D. HARTLEY.

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\* 2 Sparks' Dip. Rev. Corr., 501.

J. Adams to the President of Congress.\*

THE HAGUE, *March 9, 1784.*

SIR: On the 18th day of February the Baron de Thulemeier, envoy extraordinary to their high mightinesses from the King of Prussia, did me the honor of a visit, but as he found I had company he soon took his leave, and as I accompanied him to the head of the stairs he told me he had something to propose to me from the King, and desired to know when he might call again. I offered to return his visit any hour he pleased. He chose to call upon me, and named eleven the next day; at which hour he came and told me "That the King, who honored him with a personal correspondence, and was acquainted with my character, had directed him to make me a visit, and to say to me that as his subjects had occasion for our tobacco and some other things, and as we had occasion for Silesia linens and some other productions of his dominions, he thought an arrangement might be made between his crown and the United States which would be beneficial to both;" and the Baron desired to know my sentiments of it.

I answered him, that I was very sensible of the honor done by his majesty, but that I had singly no authority to treat or enter into conferences officially upon the subject; that Congress had been pleased to confer upon their ministers at the late peace authority to enter into conferences; that I could do nothing but in concurrence with Mr. Franklin and Mr. Jay, who were at Paris, but I thought I could answer for the good disposition of those ministers, as well as my own, for forming an arrangement between the two Powers which might be beneficial to both; that I would write to those ministers an account of what had passed. He desired I would, and said he would write by the first post to the King and inquire if his majesty had anything in particular to propose, would inform him of my answer, and wait his further orders, which probably he should receive as soon as I should have an answer from Paris.

I wrote the next day, and on Saturday last received an answer from Dr. Franklin and Mr. Jay, in which they say that they are persuaded that the communication of the friendly disposition of his Prussian majesty, made to you by the Baron de Thulemeier, will give great pleasure to Congress. The respect with which the reputation of that great prince has impressed the United States early induced them to consider his friendship as a desirable object and we are happy in being authorized to assure his majesty that they will most cheerfully enter into such a commercial treaty with him, as, being founded upon principles of reciprocity, may be productive of equal benefit to both countries. Although we have no commission to conclude such a treaty, yet our instructions from Congress enable us to join with the King's minister in preparing a draft of such a treaty, which, being sent to Congress, they would,

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\* 1 Sparks' Dip. Corr. of the United States, 435.

together with a commission to conclude the treaty, give us pointed instructions on the subject, and much time might thereby be saved. If you are of this opinion, and his majesty should be pleased to approve such a measure, we think the articles may be discussed between you and the Baron, in the first instance, on the principles which govern in the treaties you mention, both of which have been approved and ratified (*i. e.*, with Holland and Sweden). That being done we might confer together, and write a joint letter to Congress on the subject. We shall, nevertheless, make this communication a part of our next despatch to Congress.

Yesterday meeting the Baron at court, on occasion of the Prince of Orange's birthday, he told me he had received another letter from the King, and would call upon me in the evening, which he did, and informed me that the King had written to him that he was collecting all necessary papers, and would soon send them to him, with his further propositions to be made to me. I shewed him my letter from Paris, with which he was well satisfied.

He added that the King had directed him to mention rice and indigo as articles in demand in his ports of Embden and Stettin; and that a large quantity of Virginia tobacco had been this year purchased in those ports for the Baltic market; and that the excellent porcelain of Saxony might be a desirable article for the Americans.

I beg leave to submit to Congress whether the model of the treaty with Holland or Sweden may not in general be convenient for one with Prussia; as also the propriety of sending a full power to their ministers at the late peace, or one or more of them to conclude this business.

With a great deal of difficulty and at a dear rate I have at last obtained money to save Mr. Morris' bills, which are payable this month, from going back. Messrs. Willink & Co. will transmit the contract for the ratification of Congress. It is much to be lamented that we are obliged to agree to so high terms, but there was absolutely no other alternative but this or protesting the bills. This business has hitherto necessarily prevented me from joining my colleagues at Paris in the execution of our instructions.

With great respect, etc.,

JOHN ADAMS.

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Franklin to Charles Thomson.\*

PASSY, March 9, 1784.

SIR: I received a few days since a letter from Annapolis, dated June the 5th, in your handwriting, but not signed, acquainting the commission with the causes of delay in sending the ratification of the definitive treaty. The term was expired before that letter came to hand,

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\* 1 Sparks' Dip. Corr. of the United States, 377; 2 Sparks' Dip. Rev. Cor., 501; 8 Bigelow's Franklin, 455.

but I hope no difficulty will arise from a failure in a point not essential, and which was occasioned by accidents. I have just received from Mr. Hartley a letter on the subject, of which I enclose a copy.

We have had a terrible winter, too, here, such as the oldest men do not remember, and indeed it has been very severe all over Europe.

I have exchanged ratifications with the ambassador of Sweden, and inclose a copy of that I received from him.

Mr. Jay is lately returned from England. Mr. Laurens is still there, but proposes departing for America next month, as does also Mr. Jay with his family. Mr. Adams is in Holland, where he has been detained by business and bad weather. These absences have occasioned some delays in our business, but not of much importance.

The war long expected between the Turks and Russians is prevented by a treaty, and it is thought an accommodation will likewise take place between them and the Emperor. Everything here continues friendly and favorable to the United States. I am pestered continually with numbers of letters from people in different parts of Europe, who would go to settle in America, but who manifest very extravagant expectations, such as I can by no means encourage, and who appear otherwise to be very improper persons. To save myself trouble, I have just printed some copies of the enclosed little piece, which I purpose to send hereafter in answer to such letters.

Be pleased to present my dutiful respects to Congress, and believe me to be, with sincere esteem, dear sir, &c.,

B. FRANKLIN.

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Congress—Secret Journals.\*

TUESDAY, *March 16, 1784.*

Congress assembled; present as yesterday.

On the report of a committee, consisting of Mr. Gerry, Mr. Jefferson, Mr. Sherman, Mr. Read, and Mr. Williamson, to whom were referred a letter of November 1st, and one of December 25th, from Dr. Franklin, with sundry papers enclosed, together with a letter of 20th October, and one of 14th November, from Thomas Barclay.

*Resolved*, That it is inconsistent with the interest of the United States to appoint any person not a citizen thereof, to the office of minister, chargé d'affaires, consul, vice-consul, or to any other civil department in a foreign country, and that a copy of this resolve be transmitted to Messrs. Adams, Franklin, and Jay, ministers of the said states in Europe.

That the said ministers be instructed to inform Mr. William Hodgden, merchant of London, that Congress have a grateful sense of his

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\* MSS. Dep. of State; 1 Sparks' Dip. Corr., 55.

benevolent and humane attention to the citizens of these United States, who were prisoners in Great Britain during the late war.

That a copy of the application of the Danish minister to Doctor Franklin, and of a paragraph of his letter to Congress, on the subject of the capture of the Danish ship *Providentia*, be sent to the Supreme Executive of Massachusetts, who are requested to order duplicate and authentic copies of the proceedings of their court of admiralty, respecting the said ship and cargo, to be sent to Congress.

That a copy of all the letters from Mr. Robert Montgomery, of Alicant, with their enclosures to Congress and the secretary for foreign affairs, be transmitted to the said ministers, who are instructed to inquire on what grounds Mr. Montgomery has undertaken to write in the name of the United States to the Emperor of Morocco, a letter by which their character and interest may be so materially affected, and to take such measures thereon as may be proper and consistent with the interest of the said States.

That a copy of a letter from Thomas Barclay, Consul of the United States in France, of the 20th of October last, to Congress, be transmitted to the said ministers, who are instructed to take necessary measures for obtaining free ports in that kingdom, one or more on the Atlantic, and one on the Mediterranean.

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Morris to the President of Congress.\*

OFFICE OF FINANCE, *March 17, 1784.*

SIR: Permit me, through your excellency, to call the attention of the United States to the situation of my department. During the last year engagements were made to a very considerable amount for payment of the army. This payment was effected by notes which fell due the end of last year and the commencement of this. The funds at my disposal were unequal to the discharge of them. I was, therefore, under the necessity of drawing bills on the credit of the loan in Holland. The information I had received from the gentlemen who had the management of it gave me hopes that funds sufficient to discharge those bills were in their hands; for in the months of April, May, June, and July they had received and distributed obligations for one million one hundred and thirty-six thousand florins. But from causes which will readily suggest themselves to Congress, that loan, which had taken a rapid start at the peace, began to decline in August, and stood still during all November. It has happened, therefore, that bills to the amount of one million three hundred and twenty-five thousand florins, equal at the current exchange to five hundred and thirty thousand dollars, are protested for non-acceptance. Should they come back protested for non-payment, the consequences will be easily imagined.

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\*MSS. Dep. of State; 6 Sparks' Dip. Rev. Corr., 693.

For about a month past I have been in the expectation that this disagreeable event would happen, and whether it will or not is yet undetermined. My last advices from the gentlemen who have the management of the loan are in a letter of the 22d of December, by which they tell me: "We are sorry to be obliged to repeat that since our last till the present moment our prospects are not very much increased; however, we are not quite without hopes, and have determined, if we can not do otherwise, to sacrifice some more premium to the undertakers, which, if we do, we will charge to the account of the United States. We think ourselves fully authorized to do this by the circumstances, since without the bills going back it is certain that, besides the disappointment and the discredit it would give to the government bills, the expenses attending the returns will be much more burdensome. We have almost no prospect of getting the money without such a sacrifice, and only hope it will answer your views." Enclosed you have the account current with these gentlemen, as sketched out by the register for information; by which it appears that they had in their hands a balance of three hundred and forty-seven thousand seven hundred and seventy current guilders on the 31st of October last, and by the subordinate account (No. 5) it will appear that my bills exceed that balance by one million five hundred and thirteen thousand two hundred and twenty-nine florins; but from this a deduction is to be made for some tobacco shipped to them, the account of sales whereof is not yet come to hand. They have, however, accepted of my bills beyond the amount of their funds, and still there are, to the value of one million three hundred and twenty-five thousand florins protested for non-acceptance. In order, however, that Congress may possess as full a view of things as possible, I will suppose, for the present, that by making a sacrifice of premium the funds for discharging these bills may be obtained. I must also mention here, to obviate what might be suggested, that the remittances to Messrs. Le Couteulx and Mr. Grand will be found accounted for in their accounts, but time will not permit going into all those details at present.

Supposing, then, the funds to be obtained for payment of these bills, the interest falling due the beginning of June next will amount to two hundred thousand florins, equal, at the current exchange, to .. \$80,000 By the enclosed statement of payments just received from Mr.

Grand, it will appear that on the 5th of November there is payable at his house the sum of one million six hundred thousand livres, equal, at the current exchange, to .....	320,000
	<hr/> 400,000

Thus you will find that, on the best supposition which can be made, there is to be paid in Europe this year four hundred thousand dollars over and above the salaries of foreign ministers and their contingent expenses. There is also to be paid the further sum of one hundred thou-



sand dollars due in this country on engagements taken for the public service during the last and present year, besides notes in circulation, which may probably be absorbed by the taxes between this and the 1st of May next. Thus there is a deficiency of half a million to be provided for by the taxes from the 1st of May, to which must be added sundry debts of the last year not yet adjusted, and which can not therefore be estimated, but which may amount to between one and two hundred thousand dollars more. And to all this must be added the current expenses, which Congress will best be able to ascertain.

This, sir, is a view of things upon the fairest side, but if the bills noted for non-acceptance come back, a scene will then be opened which it is better for you to conceive than for me to describe. The delay of the States in passing the laws for granting revenue to fund our debts has left the above-mentioned sum of four hundred thousand dollars totally unprovided for; and I can not see the least probability that this general concurrence will be obtained in season to make that provision. I beg leave, therefore, to suggest the expedient that the produce of the requisitions for 1782 and 1783 be partly appropriated to that payment, and that the money be replaced from the proper funds when obtained. But whatever mode may be adopted, Congress will doubtless be struck with this truth, that unless the States can be stimulated into exertion, and that speedily, everything must fall into confusion. I will not pretend to anticipate the evil consequences. Having stated the facts I have done my duty.

I must, however, pray a moment's indulgence to mention that the accounts of the last year would have been rendered by this time, but as I have not relinquished the hope of being able to quit this office soon, I have rather desired to be able to complete all the accounts of my administration. It will give me infinite pleasure if, when I have the honor of presenting to Congress these accounts with my commission, I shall find them in circumstances as prosperous as those under which I accepted it were adverse.

I am, sir, etc.,

ROBERT MORRIS.

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Hartley to Laurens.\*

GOLDEN SQUARE, *March 26, 1784.*

DEAR SIR: It is with great satisfaction that I am able to inform you that it is not thought necessary, on the part of Great Britain, to enter into any formal convention for the prolongation of the term in which the ratifications of the definitive treaty were to be exchanged, as the delay in America appears to have arisen merely in consequence of the inclemency of the season. I took care to express, on your part, the motives of candor and attention to this country which were the ground of your

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\*MSS. Dep. of State; 1 Sparks' Dip. Rev. Corr., 759.

offer; and it gives me pleasure to assure you that they were received with equal candor and attention on the part of the British ministers. My compliments and best wishes always attend yourself and family.

I am, dear sir, with great respect and esteem, your most obedient, humble servant,

DAVID HARTLEY.

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Laurens to Thomson.\*

BATH, *March 28, 1784.*

SIR: Doctor Franklin lately conveyed to me a copy of your letter of the 5th of January last, directed to the ministers of the United States for treating with Great Britain. It found me at this place in a very ill state of health. Ill as I was I should have repaired immediately to Whitehall, had not Mr. David Hartley, who still retains his commission, happened to have been present, and just going to London. I requested him to propose to Lord Caermarthen a convention for extending the stipulated term for exchanging ratifications of our definitive treaty of the 3d of September, and for that purpose I would without delay repair to London, for executing it on the part of the United States, if necessary; to add, that if the formality might be dispensed with without prejudice to either of the contracting parties, I desired the assent of the minister should be signified to me in writing. This morning brought me a letter from Mr. Hartley, a copy of which will accompany this. I flatter myself that the contents will afford the same satisfaction to Congress as I feel upon the occasion.

Previous to the late dissolution of Parliament a bill was passed extending what is called the intercourse bill to the 20th of June, upon which probably will be grounded a new proclamation for regulating the commerce between this kingdom and the United States. I have requested Major Jackson, who will do me the honor to take charge of this letter, to watch the London Gazette, and, should a proclamation appear while he is in London, to enclose one of those papers to you for the information of Congress. The West India merchants and owners of estates in the British Islands held several meetings and consultations while I was in London, on the commerce in which they are particularly interested. I was frequently applied to, and delivered such sentiments as appeared to me to be necessary, particularly that I was firmly persuaded the United States separately, or in Congress, would retaliate every restriction, by which means we should have a treaty of commerce by acts of Parliament on one part, and acts of assembly or of Congress on the other, and bring the great question to a test, which country would sustain the most damage or inconveniency by partial or total prohibitions.

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\* MSS. Dep. of State; 1 Sparks' Dip. Rev. Corr., 767.

I have just received a letter from a very eminent merchant in London, in which he writes :

I could have wished to have given better accounts of administration touching the American intercourse bill, but there are strong remains of the old leaven among us, and the same disposition of monopolising the trade and navigation of the old world to ourselves.

That there is a continuance of the old leaven on this side may be concluded from the following sentiments of a gentleman who writes as a professed friend to America in opposition to Lord Sheffield :

There is not yet that stock of good temper in either people that could be wished.

The English are yet sore from their disappointment, and though they have lost a part of their dominions, they have not lost the recollections of having been masters, and expect something like the usual deference to be paid to them.

Hence I am not surprised at anything published by an inveterate enemy, whose design seems to be to declare commercial war in the first instance, possibly for introducing his "chain of stout frigates from Halifax to Bermuda."

I went from hence the middle of January determined to prepare for embarkation, and to be at sea about the 20th instant, but was taken very ill upon the road, and have continued ever since incapable of business. After being confined seven weeks in London I returned to Bath, in hopes of receiving benefit again from the waters ; but if I were perfectly in health a recent circumstance would retard my progress. My brother lately died in the south of France, and I am constrained to wait the arrival of his widow. The affairs of two distressed families demand my attention, and as neither expense, nor, as I apprehend, other detriment to the public, will be sustained by my absence, the delay of a month or six weeks longer I trust will not give offence. Be pleased, sir, to lay this before Congress, with assurances of my utmost respect and continued attention to the interests of the United States.

I have the honor to be, &c.,

HENRY LAURENS.

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Luzerne to the President of Congress.\*

[Translation.]

ANNAPOLIS, April 6, 1784.

SIR: The undersigned, minister of France, has the honor to inform Congress that the portraits of the King and Queen have arrived at Philadelphia, and that he has orders to present them to that body.

The undersigned minister has had the honor to transmit to his excellency the President, his majesty's letter in answer to that of the 14th of June, 1779, in which Congress have expressed their desire to have

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\* MSS. Dep. of State; 6 Sparks' Dip. Rev. Corr., 129.

the portraits of their majesties. This letter expresses to Congress the pleasure with which the King gives the United States this testimony of his affection and friendship for them. The undersigned has made the necessary arrangements for the safe-keeping of these two portraits until Congress can receive them.

LUZERNE.

Luzerne to the President of Congress.\*

[Translation.]

ANNAPOLIS, *April 9, 1784.*

SIR: I have the honor to communicate to your excellency an extract from a letter which I received from Count de Vergennes, dated the 24th of December last.†

I received orders at the same time to inform his majesty's minister of the measures which have been taken by the United States relative to the payment of portions of the principal and of the interest of the sums which have been loaned them by the King. I make mention, sir, of portions of the capital because, by the terms of the contract of the 16th of July, 1784, the reimbursement of the first loan of eight millions is to begin three years after the peace, and it is expedient to take seasonable measures with regard to this subject.

I am also to inform my court of the arrangements which have been made for the payment of interest on the loan of five millions of florins made in Holland the 5th of November, 1781, and for which his majesty became guarantee. I know the efforts of Congress to effect the discharge of the public debt, and their wish to fulfil their engagements and I consider it superfluous to recall to your excellency all the motives which combine to induce the United States to fulfil faithfully those which they have contracted with the King. I confine myself to desir-

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\* 6 Sparks' Dip. Rev. Corr., 130.

† VERGENNES TO LUZERNE.

[Translation.]

VERSAILLES, *December 24, 1783.*

SIR: His majesty has decided irrevocably that the port of L'Orient shall be free, and American sailors may actually consider it so. The edict of the King has not yet been published, however, because his majesty's intention being to give this arrangement as wide an extent as possible, the regulations should be drawn up after a careful deliberation, and conceived in such terms that the advantages allowed to the merchants of the United States may not be essentially prejudicial to our own commerce and the revenues of the State.

The merchants of the United States enjoy equally the liberty of frequenting the ports of Marseilles and Dunkirk, and they partake, like other nations, in the immunities and privileges of these two places.

DE VERGENNES.

ing you to enable me to dissipate the uneasiness which may have been excited at my court by the delay in proceeding to raise funds to effect the payment of this debt.

I am, with respect, sir, &c.,

LUZERNE.

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Mifflin, President of Congress, to the King of France. \*

APRIL 16, 1784.

The United States in Congress assembled to their great, faithful, and beloved friend and ally Louis the Sixteenth, King of France and Navarre.

GREAT, FAITHFUL, AND BELOVED FRIEND AND ALLY: Your majesty's letter of the 13th of August last has been received by the United States in Congress assembled with a degree of satisfaction and pleasure which those only can conceive who, to the highest sentiments of respect, unite feelings of the most affectionate friendship.

The portraits of your majesty and of your royal consort having arrived at Philadelphia, have been carefully preserved by your faithful minister, the Chevalier de la Luzerne, whose attention on this as on all other occasions merits the acknowledgments of Congress.

These lively representations of our august and most beloved friends will be placed in our council chamber; and can never fail of exciting in the mind of every American an admiration of the distinguished virtues and accomplishments of the royal originals.

We beseech the Supreme Ruler of the universe constantly to keep your majesty and your royal consort in His holy protection, and to render the blessings of your administration as extensive as the objects of your majesty's benevolent principles.

Done at Annapolis, in the State of Maryland, this 16th day of April, 1784, by the United States in Congress assembled.

Your faithful friends and allies,

THOMAS MIFFLIN,  
*President.*

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Morris to the President of Congress. †

OFFICE OF FINANCE, April 16, 1784.

SIR: I do myself the honor to enclose to Congress the duplicate of a letter from the Marquis de la Fayette, dated the 26th of December, together with the copy of his letter of the 18th of June last to the Count de Vergennes; the Count's answer of the 29th of the same month;

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\* MSS. Dep. of State; 6 Sparks' Dip. Rev. Corr., 131.

† MSS. Dep. of State; 6 Sparks' Dip. Rev. Corr., 132.

a letter to him from M. de Calonne of the 18th, and another of the 25th of December, all which were enclosed in that duplicate to me, as were also the observations on the commerce between France and the United States, which I have also the honor of transmitting. With respect to this paper I must pray leave to refer Congress to the caution contained in the letter to me, and pray their compliance with his intention. The masterly manner in which the Marquis has treated a subject certainly foreign to his former habits and views merits great applause, and will, I doubt not, procure that approbation from Congress which will be to him a grateful reward for his zealous and dexterous exertions to promote the interests of America.\*

I pray leave also to submit to Congress the enclosed extract from another letter of the Marquis de la Fayette of the 10th of January, together with the copy of M. de la Calonne's letter therein mentioned. This last, which shows the labors of that young nobleman to have been crowned with the wished for success, will, I doubt not, be pleasing to Congress, as it is certainly very interesting to the commerce of the United States.

I have the honor to be, &c.,

ROBERT MORRIS.

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Luxerne to the President of Congress. †

[Translation.]

ANNAPOLIS, *April 21, 1784.*

SIR: In the course of last summer I requested leave of his majesty to return to France. By letters from my friends I am informed that it is granted; but the loss of the packet which conveyed the minister's letter lays me under the necessity of writing again on that subject. I should have waited his answer before I took leave of Congress had I not reason to believe that it will not reach me till their recess.

I can not, however, depart without entreating your excellency to communicate to them my warm acknowledgments for the manner in which they have treated with me during my mission, which has lasted near five years. I have had the satisfaction of agreeing with Congress on all the subjects which I have had the honor of negotiating with them; and I owe my success to the good fortune I had of being the representative of a just and generous monarch, to a wise and virtuous republic. I shall ever retain a grateful remembrance of this, and shall always consider the time I have spent on this continent as the most honorable period of my life. My satisfaction would be complete were it not accompanied with regret at parting from a Senate composed of

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\* This paper on commerce, as well as the letters above referred to, are missing.—SPARKS.

† MSS. Dep. of State; 6 Sparks' Dip. Rev. Corr., 133.

members on whose friendship I flatter myself I have a just claim by an intimate acquaintance of several years. Your excellency permits me to rank you among those who honor me with their friendship; and I am persuaded that the expression of my attachment and respect for Congress will lose nothing of its force if you will be pleased to convey it.

The letters by which I have received advice of my having obtained leave to return, inform me also that M. de Marbois will be his majesty's *chargé d'affaires* with the United States. His zeal and his attachment for the cause which unites France and America are well known to Congress, and I have not the least doubt but his majesty's choice will be agreeable to that assembly.

I am, sir, with great respect, &c.,

LUZERNE.

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Laurens to the President of Congress.\*

LONDON, April 24, 1784.

SIR: I had the honor of addressing Congress, under directions to Mr. Secretary Thomson, the 28th ultimo, by Major Jackson, and a copy by the packet from Falmouth, and the 8th instant by the same packet, copy by Sir James Jay, to which I beg leave to refer. Mr. Hartley went off for Paris the 17th, preferring that spot to this for the exchange of ratifications. I am told there is a pretty handsome stipend annexed to each journey.

The London Gazette of the 17th instant, a copy of which will be enclosed with this, contains a proclamation of the 16th for extending the American intercourse to the 20th of June next, in terms almost verbatim, a repetition of the antecedent. The friends of administration say that the present ministers are afraid of attempting enlargements before the meeting of the new Parliament. At present, from the best information I can collect, their utmost view is to a restricted trade in small vessels of sixty or eighty tons, of American property, between the United States and the British West Indies. The tonnage on their part to be unlimited.

I have the pleasure of conversing often with men the most judicious and experienced in commercial affairs. All agree with me that precise retaliation would produce good effects. Possibly retaliation may be the very wish of our implacable enemies. Certainly there is a majority still in council mumbling the Thistle—of which wise men think they have already had enough. What new maggot has bitten them? "See," say they, and reason upon the falsehood—I allude to no one east of Charing Cross—"there is already a cession of four States. Only nine could be collected for ratifying the treaty. New York, we know, is un-

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\* MSS. Dep. of State; 1 Sparks' Dip. Rev. Corr., 760, with verbal changes.

represented; Connecticut is also unrepresented (they presume upon two other States); they are all in confusion, weary of their independence, and will soon return to Great Britain upon her own terms."

I can not impute such conduct to ignorance; they will not be convinced, although they have Moses and the prophets. In my mind, it proves a determination in that majority not to *return* to America with any degree of cordiality or generosity to urge a commercial, hoping in time to provoke a more hostile war and to improve upon what they call the errors of the last. I am assured that the last commander-in-chief of the British troops in America is a principal adviser. Mr. Brooke Watson is added. To bring the King and people in general to consent to war with the United States will be a work, however, requiring no small exertion of skill. "His majesty was dragged into the late war as reluctantly as ever a bull was dragged to a baiting. I have seen the Queen shed floods of tears in the cruel progress, and have heard her majesty say, I do not interfere in politics, but I think the Americans are an injured people. The King has often expressed to me his regret at the shedding of so much blood, but, said his majesty, what can I do? They drew me in little by little; I have been deceived; I have had more truth from you, W., than from all of *them* together. The King has been, and is, willing to send to and receive from the United States ambassadors (this part is undoubtedly a fact), and wishes for a liberal intercourse and commerce with them. Those men, who were called the King's friends, for promoting the war, from the old Rubicon peer to the one always supposed to have been the invisible counsellor (naming them specially), are now his enemies, because he has acknowledged the independence of the States. Had a late violent measure succeeded, and *that party* gained the power aimed at, a voluntary abdication was determined upon—arrangements were absolutely made for that purpose. I can live, said the King, in an humbler state and be happy. The heir apparent would have mounted the throne, a question on the right of *alienating the Prince of Wales's inheritance* would have been brought forward, a war as soon as possible commenced for recovery, mistakes and errors of the last to be avoided." I might add &c., &c., but that must rest to a future day.

I think it my duty, sir, to communicate these memorable circumstances to Congress. If the intelligence merits attention they will make proper application; but for the sake of our friend who delivered it to me, from no second-hand report, in whose honor and veracity all America would place the highest confidence, who could have no motive to a studied, unprofitable falsehood, I humbly request it may not become suddenly a subject of out-door conversation.

Two of my friends, characters highly esteemed in the United States, have been with me at several times within these three days past; whether they are in the secret of the above written history I know not, but rather believe the contrary. Each confirmed that part relative to



an intended breach, trusting, however, in the resistance of the people. If I trust at all, it is in their imbecility. The people may, by "exertions of skill," be taught to believe that going to war will mend their fortunes and recover national glory. Let us contrast some of the late addresses of thanks with the later elections, and we shall see the inconsistency of conduct in the "first city of Europe," and many other instances will appear. It may be asked how they can support a war under such a load of debt? It is averred by competent judges that ragged and deranged as the finances of this country are, they are infinitely better than those of the neighboring maritime powers. A determination may be founded upon the comparative essay of resources; but I am under no apprehension from all they can do, provided timely, wise precautions are taken on our part. If all the people called loyalists were scattered in America they would not do so much mischief as they do here; we could manage them best at home. I have employed a person to look out for a proper ship for my passage to America, hoping to embark in the course of next month.

With great respect and regard, I have the honor to be, &c.,  
HENRY LAURENS.

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Luxerne to the President of Congress.\*

[Translation.]

PHILADELPHIA, *April 23, 1784.*

SIR: You will see by the subjoined letter of Mr. Pierce the situation of the Baron de Kalb with regard to the United States at the time when he was killed at Camden. The continental money which he had received must have been employed in subsisting the body of troops under his command; or, if any part of these funds remained in his hands it must have been plundered and taken by the enemy, with all the baggage of this General.

I think, then, that Congress will be pleased to take these circumstances into consideration, and excuse the heirs of the Baron de Kalb from producing vouchers, which circumstances do not allow them to procure. I pray your excellency to be pleased also to induce Congress to determine whether the resolutions of the 15th of May, 1778, and the 24th of August, 1780, extend to the widow and orphans of the Baron de Kalb.

A difficulty has also arisen with regard to M. de Fleury, lieutenant-colonel, and it can be removed only by a resolution, which I request your excellency to solicit from the goodness of Congress in favor of this officer. He did not quit the American army without leave granted, and Congress, in consideration of his services and good conduct, has been pleased to

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\* 6 Sparks' Dip. Rev. Corr., 134.

consider him as always being attached to the American army. It seems, then, right to ask that he should enjoy the same advantages as the other officers, and the rather that he was attached to the French army which served on this continent. General Lincoln, in 1782, did not place him on the list of officers retained in the service; but this omission ought not to be prejudicial to the prior resolutions of Congress. He was, at this very time detached to the Roanoke with the troops of the French division, that he might support General Greene in case the latter was attacked. Thus, ignorant of what was passing in Congress, as well as in the War Department, it was impossible for him to make any representations on this subject. He was born without fortune, and if he did not, like the other officers, enjoy his pay to the 3d of November, 1783, his affairs would be found rather involved than meliorated by his residence in this continent. The payments which Mr. Morris has been authorised to make have been claimed for the years 1782 and 1783; and M. de Fleury would be found excluded unless the justice of Congress should allow him the same treatment which the other officers receive, and the advantages of the commutation. The third resolution of Congress of December 31, 1781, seems to protect the rights of M. de Fleury, and authorise the demand which I pray you to present to Congress in his favor.

The different articles subjoined will enable Congress to judge of the justice of the demands concerning which I beg you, sir, to inform me of the intentions of that body.\*

I have the honor to be, &c.,

LUZERNE.

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\* The following is the statement of Baron de Kalb's account. Mr. Pierce's letter is missing:

OFFICE OF ACCOUNTS, April 19, 1784.

SIR: I have examined sundry papers relative to the claim of the Baroness de Kalb, for the pay of her husband (the late Baron de Kalb, deceased), as a major-general in the service of the United States of America, and find

That from the 31st of July, 1777, the date of his appointment, to the 19th of August, 1780, the day of his death, being thirty-six months and twenty days, his pay, at \$166 $\frac{1}{2}$  per month, amounts to..... \$6,111 10-90

That per certificate of John Pierce, paymaster-general, it appears he received sundry sums, in money of the old emissions, on account of his pay, which are extended to his debit in specie by the Massachusetts scale, as follows, viz:

1778, February, 830 dollars, at 464 per cent.....	178 79-90
1778, May, 664 " " 480 " " .....	114 43-90
1778, October, 664 " " 690 " " .....	96 21-90
1779, January, 664 " " 834 " " .....	79 55-90
1779, May, 664 " " 1414 " " .....	46 86-90
1779, September, 664 " " 1695 " " .....	39 15-90
1780, November, 664 " " 2387 " " .....	27 73-90

That said certificate also includes a charge for \$2,000 old emissions, advanced him in August, 1777, which at 238 per cent. are equal to ..... 840 30-90

## Laurens to the President of Congress.\*

LONDON, *April 30, 1784.*

SIR: Under cover of this will be found a copy of my last despatch, dated the 24th. I have only to add, that the more I converse with intelligent men, the more I am confirmed in believing that there is a core of bitterness and pride against the United States in this kingdom which can not easily be dissipated, and which will break out whenever the parties have, or shall fancy they have, power. It is true, indeed, "Englishmen can not lose the recollection of having been masters, and expect something like the usual deference to be paid to them; they are yet sore from their disappointment." (Quoted in a former letter to Mr. Thomson.) I have asked when were Englishmen masters of their brethren in America? When were the Americans subject to Englishmen? We were once fellow subjects under one King, now separated forever; willing, nevertheless, in peace to be friends, ready at the same time to resent injuries, of whatever kind or degree. I do not presume to touch your navigation laws, but I maintain the right of the United States to follow good examples; to speak of retaliating any restrictions in commerce, is held to be the height of arrogance. It is assured me that Mr. Deane is an active counsellor against us, and Mr. Galloway; no doubt all the old governors, Mr. Smith of New York, and others, have their influence.

That he is also chargeable with the following sums, viz:

Received from Silas Deane, in France, on the 22d of November, 1776, as appears per receipt, annexed to his agreement with said Deane, 6,000 livres, at five livres and five sols per dollar, are equal to . . .	\$1, 142 79-90
Six thousand livres paid him in bills of exchange, agreeable to a resolve of Congress of September 14, 1777, at five livres eight sols per dollar, equal to . . . . .	1, 171 10-90
That on this account there appears a balance of two thousand four hundred and thirty-three dollars and sixty-one ninetieths due to the estate of Baron de Kalb . . . . .	2, 433 61-90
	<hr/> 6, 111 10-90

Exclusive of the sums carried to the Baron's debit in the foregoing state, he is charged in the paymaster-general's books with the following, in old emissions, viz:

NOVEMBER 17, 1777. Fifty dollars paid for transporting his baggage. If he was in actual service at that time, and in such a situation as rendered extra means necessary for this purpose, I am of opinion he ought not to be charged with this sum.

MAY, 1780. Two hundred and twenty-six thousand dollars, said to be for the purpose of defraying the expenses of the Maryland line on their march to the southward, or for defraying the deficiencies of clothing due to the Maryland line. To oppose to this charge there is nothing yet produced. I therefore submit to consideration the propriety of admitting to the credit of his estate the balance, which appears due on account of his pay, as per the foregoing adjustment.

WILLIAM RAMSEY,  
*Clerk of Accounts.*

\* MSS. Dep. of State; 1 Sparks' Dip. Rev. Corr., 762.

Mr. Smith, I am informed, has reported very extraordinary things, which I shall not repeat without further confirmation.

I have the honor to be, with perfect esteem and respect, &c.,  
HENRY LAURENS.

Luzerne to the President of Congress.\*

[Translation.]

PHILADELPHIA, *May 6, 1784.*

SIR: The King having as yet made no appointment to the consulate of Charleston, the intention of his majesty was, that M. de la Forest, vice-consul at Savannah, should in the interim perform its duties. I have, consequently, transmitted to him as well as to M. de Marbois, letters of recommendation, which we thought sufficient to induce the governor and council of South Carolina to recognize him in this provisional capacity. Our hopes with regard to this subject were built upon the second article of the draft of a contract for the establishment of consuls, and we thought that its provisional execution, presenting no inconveniences, would meet with no difficulty, although we are yet ignorant whether this contract has been signed.

As the interests of commerce render the actual establishment of a vice-consul at Charleston of very urgent necessity, I pray your excellency to propose to Congress to pass a resolution for the provisional execution of this second article of the draft of the contract. This measure is so much the more necessary as it is the only means of preventing the suspension of the consular duties, which has often occurred in case of the absence or death of consuls or vice-consuls, and a year might sometimes pass before the arrival of new appointments or commissions, and before resolutions should be passed by Congress. Such an interruption of the office of consul would be attended with inconveniences which Congress will easily perceive.

Moreover, sir, we ask nothing on this occasion but what is customary in the other consulates, and it is a power which will be readily allowed to Mr. Barclay.

I have the honor to be, &c.,

LUZERNE.

Morris to the President of Congress,†

OFFICE OF FINANCE, *May 6, 1783.*

SIR: In consequence of the resolutions of the 28th April and 2d May, 1783, I have made the various engagements then in contemplation, and my late letters to Congress will show that some of those engagements to

\* MSS. Dep. of State; 6 Sparks' Dip. Rev. Corr., 136.

† MSS. Dep. of State; 6 Sparks' Dip. Rev. Corr., 701.

the amount of three hundred thousand dollars still remain to be fulfilled. Congress will be pleased also to observe that their late arrangements with respect to foreign officers form an object of about fifty thousand dollars, including the grant of ten thousand to Baron Steuben. Notwithstanding this and the constant demands for current service, I am not without hopes that if all the bills on Holland be paid, I shall, in the course of the summer, be able to quit my station. Having been informed (though not officially) that Congress intend to adjourn in the beginning of next month, I am humbly to request that they would, in such case, be pleased to take eventual arrangements for administering their finances. And I am the more solicitous on this subject, lest through the want of them some injury should happen to the public service when I retire.

I hope Congress will indulge me also in mentioning that no committee has been appointed to inspect into the conduct of my department. It would give me particular pleasure that measures were taken on that subject also.

With respect, I have the honor to be, etc.,

ROBERT MORRIS.

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Congress—Secret Journals.\*

MAY 7, 1784.

Mr. John Jay was elected secretary for foreign affairs, having been previously nominated by Mr. Gerry.

On motion of Mr. Hardy, seconded by Mr. Gerry,

*Resolved*, That a minister plenipotentiary be appointed in addition to Mr. John Adams and Mr. Benjamin Franklin, for the purpose of negotiating treaties of commerce.

Congress proceeded to the election, and the ballots being taken, Mr. Thomas Jefferson was elected, having been previously nominated by Mr. Hardy.

On the report of the committee, to whom was recommitted their report on sundry letters from the ministers of the United States in Europe, Congress came to the following resolutions:

Whereas instructions bearing date the 29th day of October, 1783, were sent to the ministers plenipotentiary of the United States of America at the Court of Versailles, empowered to negotiate a peace, or to any one or more of them, for concerting drafts or propositions for treaties of amity and commerce with the commercial powers of Europe:

*Resolved*, That it will be advantageous to these United States to conclude such treaties with Russia, the Court of Vienna, Prussia, Denmark, Saxony, Hamburg, Great Britain, Spain, Portugal, Genoa, Tuscany, Rome, Naples, Venice, Sardinia, and the Ottoman Porte.

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\* MSS. Dep. of State; 1 Sparks' Dip. Corr. of the United States, 80.

*Resolved*, That in the formation of these treaties the following points be carefully stipulated :

1. That each party shall have a right to carry their own produce, manufactures, and merchandize in their own bottoms to the ports of the other, and thence the produce and merchandize of the other, paying, in both cases, such duties only as are paid by the most favored nation, freely, where it is freely granted to such nation, or paying the compensation where such nation does the same.

2. That with the nations holding territorial possessions in America, a direct and similar intercourse be admitted between the United States and such possessions ; or if this can not be obtained, then a direct and similar intercourse between the United States and certain free ports within such possessions ; that if this neither can be obtained, permission be stipulated to bring from such possessions, in their own bottoms, the produce and merchandize thereof to their States directly ; and for these States to carry in their own bottoms their produce and merchandize to such possessions directly.

3. That these United States be considered in all such treaties, and in every case arising under them, as one nation, upon the principles of the Federal Constitution.

4. That it be proposed, though not indispensably required, that if war should hereafter arise between the two contracting parties, the merchants of either country, then residing in the other, shall be allowed to remain nine months to collect their debts and settle their affairs, and may depart freely, carrying off all their effects, without molestation or hindrance ; and all fishermen, all cultivators of the earth, and all artisans or manufacturers, unarmed, and inhabiting unfortified towns, villages, or places, who labor for the common subsistence and benefit of mankind, and peaceably following their respective employments, shall be allowed to continue the same, and shall not be molested by the armed force of the enemy, in whose power, by the events of war, they may happen to fall ; but if any thing is necessary to be taken from them, for the use of such armed force, the same shall be paid for at a reasonable price ; and all merchants and traders, exchanging the products of different places, and thereby rendering the necessaries, conveniences, and comforts of human life more easy to obtain, and more general, shall be allowed to pass free and unmolested ; and neither of the contracting powers shall grant or issue any commission to any private armed vessels empowering them to take or destroy such trading ships or interrupt such commerce.

5. And in case either of the contracting parties shall happen to be engaged in war with any other nation, it be further agreed, in order to prevent all the difficulties and misunderstandings that usually arise respecting the merchandize heretofore called contraband, such as arms, ammunition, and military stores of all kinds, that no such articles, carrying by the ships or subjects of one of the parties to the enemies of

the other, shall, on any account, be deemed contraband, so as to induce confiscation, and a loss of property to individuals. Nevertheless, it shall be lawful to stop such ships, and detain them for such length of time as the captors may think necessary, to prevent the inconvenience or damage that might ensue from their proceeding on their voyage, paying, however, a reasonable compensation for the loss such arrest shall occasion to the proprietors; and it shall be further allowed to use in the service of the captors the whole or any part of the military stores so detained, paying the owners the full value of the same, to be ascertained by the current price at the place of its destination. But if the other contracting party will not consent to discontinue the confiscation of contraband goods, then that it be stipulated, that if the master of the vessel stopped will deliver out the goods charged to be contraband, he shall be admitted to do it, and the vessel shall not, in that case, be carried into any port, but shall be allowed to proceed on her voyage.

6. That in the same case, when either of the contracting parties shall happen to be engaged in war with any other power, all goods, not contraband, belonging to the subject of that other power, and shipped in the bottoms of the party hereto, who is not engaged in the war, shall be entirely free. And that to ascertain what shall constitute the blockade of any place or port, it shall be understood to be in such predicament when the assailing power shall have taken such a station as to expose to imminent danger any ship or ships that would attempt to sail in or out of the said port; and that no vessel of the party who is not engaged in the said war shall be stopped without a material and well-grounded cause; and in such cases justice shall be done, and an indemnification given, without loss of time, to the persons aggrieved and thus stopped without sufficient cause.

7. That no right be stipulated for aliens to hold real property within these States, this being utterly inadmissible by their several laws and policy; but when on the death of any person holding real estate within the territories of one of the contracting parties, such real estate would, by their laws, descend on a subject or citizen of the other, were he not disqualified by alienage, then he shall be allowed a reasonable time to dispose of the same, and withdraw the proceeds without molestation.

8. That such treaties be made for a term not exceeding ten years from the exchange of ratifications.

9. That these instructions be considered as supplemental to those of October 29, 1783, and not as revoking, except when they contradict them. That where, in treaty with a particular nation, they can procure particular advantages, to the specification of which we have been unable to descend, our object in these instructions having been to form outlines only and general principles of treaty with many nations, it is our expectation they will procure them, though not pointed out in these instructions; and where they may be able to form treaties on principles which, in their judgment, will be more beneficial to the United States

than those herein directed to be made their basis, they are permitted to adopt such principles. That as to the duration of treaties, though we have proposed to restrain them to the term of ten years, yet they are at liberty to extend the same as far as fifteen years with any nation which may pertinaciously insist thereon. And that it will be agreeable to us to have supplementary treaties with France, the United Netherlands, and Sweden, which may bring the treaties we have entered into with them as nearly as may be to the principles of those now directed; but that this be not pressed, if the proposal should be found disagreeable.

*Resolved*, That treaties of amity, or of amity and commerce, be entered into with Morocco, and the Regencies of Algiers, Tunis, and Tripoli, to continue for the same term of ten years, or for a term as much longer as can be procured.

That our ministers, to be commissioned for treating with foreign nations, make known to the emperor of Morocco the great satisfaction which Congress feel from the amicable disposition he has shown towards these States, and his readiness to enter into alliance with them. That the occupations of the war, and distance of our situation, have prevented our meeting his friendship so early as we wished. But the powers are now delegated to them for entering into treaty with him, in the execution of which they are ready to proceed, and that as to the expenses of his minister, they do therein what is for the honor and interest of the United States.

*Resolved*, That a commission be issued to Mr. J. Adams, Mr. B. Franklin, and Mr. T. Jefferson, giving powers to them, or the greater part of them, to make and receive propositions for such treaties of amity and commerce, and to negotiate and sign the same, transmitting them to Congress for their final ratification; and that such commission be in force for a term not exceeding two years.

*Extract from the Secret Journal of Foreign Affairs, May 11, 1784.*

The report of the committee on the letter from the ministers of the United States in Europe being amended, was agreed to, as follows:

*Resolved*, That our said ministers, to be commissioned for treating with foreign nations, be referred to the instructions of the 30th day of May, 1783, relative to British debts, the objects of which they are hereby directed to urge with perseverance.

That they require, with firmness and decision, full satisfaction for all slaves and other property belonging to citizen of these States, taken and carried away in violation of the preliminary and definitive articles of peace; and to enable them to do this on precise grounds, Congress will furnish them with necessary facts and documents.

*Resolved*, That Doctor Franklin be desired to notify to the Apostolical Nuncio at Versailles, that Congress will always be pleased to testify their respect to his sovereign and State; but that the subject of his application to Doctor Franklin being purely spiritual, it is without the jurisdiction and powers of Congress, who have no authority to permit or refuse it, these powers being reserved to the several States, individually.

That Doctor Franklin be instructed to express to the court of France the constant desire of Congress to meet their wishes; that these States are about to form a general system of commerce, by treaties with other nations; that, at this time, we can not



foresee what claims might be given to those nations by the explanatory propositions from the Count de Vergennes on the second and third articles of our treaty of amity and commerce with his most Christian majesty; but that he may be assured it will be our constant care to place no people on more advantageous ground than the subjects of his majesty.

Franklin to the President of Congress.\*

PASSY, *May 12, 1784.*

SIR: In my last I acquainted your excellency that Mr. Hartley was soon expected here to exchange ratifications of the definitive treaty. He is now arrived and proposes to make the exchange this afternoon. I shall then be enabled to send a copy. Enclosed is the new British proclamation respecting our trade with their colonies. It is said to be a temporary provision till Parliament can assemble and make some proper regulating law, or till a commercial treaty shall be framed and agreed to. Mr. Hartley expects instructions for planning with us such a treaty. The ministry are supposed to have been too busy with the new elections, when he left London, to think of those matters.

This court has not completed its intended new system for the trade of their colonies, so that I can not yet give a certain account of the advantages that will in fine be allowed us. At present it is said we are to have two free ports, Tobago and the Mole, and that we may carry lumber and all sorts of provisions to the rest, except flour, which is reserved in favor of Bordeaux, and that we shall be permitted to export coffee, rum, molasses, and some sugar for our own consumption.

We have had under consideration a commercial treaty proposed to us by the King of Prussia, and have sent it back with our remarks to Mr. Adams, who will, I suppose, transmit it immediately to Congress. Those planned with Denmark and Portugal wait its determination.

Be pleased to present my dutiful respects to the Congress, and believe me to be, with sincere and great esteem, sir, &c.,

B. FRANKLIN.

*May 13.*

I now enclose a copy of the ratification of the definitive treaty on the part of his Britannic majesty.

Luzerne to the President of Congress.†

[Translation.]

PHILADELPHIA, *May 13, 1784.*

SIR: I have received the letter which your excellency did me the honor to write to me on the 6th of the present month, and the acts of Congress accompanying it.

\* 2 Sparks' Dip. Rev. Corr., 502; 8 Bigelow's Franklin, 489.

† MSS. Dep. of State; 6 Sparks' Dip. Rev. Corr., 137.

I pray you, sir, to be pleased to inform Congress that I have received a letter from the Count de Vergennes which grants me the absence which I had asked. This minister informs me, at the same time, that his majesty has appointed M. de Marbois his *chargé d'affaires* to the United States. I repeat to your excellency the request that you will be pleased to express for me to Congress the regret with which I leave this continent, and the sentiments of respect which I shall cherish through life towards that body.

Permit me to recall to your mind, sir, the business of M. de Flenry and of the widow of the Baron de Kalb. I pray you, also, to be pleased to enable me to make known here the intentions of Congress relative to M. de la Radière, and to the money which was due to him at the time of his death, as well as with regard to the communication, if it takes place.

I have the honor to be, &c.,

LUZERNE.

Franklin to Thomson.\*

PASSY, May 13, 1784.

DEAR SIR: Yesterday evening Mr. Hartley met with Mr. Jay and myself, when the ratifications of the definitive treaty were exchanged. I send a copy of the English ratification to the President. Thus the great and hazardous enterprise we have been engaged in, is, God be praised, happily completed; an event I hardly expected I should live to see. A few years of peace, well improved, will restore and increase our strength; but our future safety will depend on our union and our virtue. Britain will be long watching for advantages to recover what she has lost. If we do not convince the world that we are a nation to be depended on for fidelity in treaties, if we appear negligent in paying our debts, and ungrateful to those who have served and befriended us, our reputation and all the strength it is capable of procuring will be lost, and fresh attacks upon us will be encouraged and promoted by better prospects of success. Let us, therefore, beware of being lulled into a dangerous security, and of being both enervated and impoverished by luxury; of being weakened by internal contentions and divisions; of being shamefully extravagant in contracting private debts, while we are backward in discharging honorably those of the public; of neglect in military exercises and discipline, and in providing stores of arms and munitions of war to be ready on occasion; for all these are circumstances that give confidence to enemies and diffidence to friends; and the expenses required to prevent a war are much lighter than those that will, if not prevented, be absolutely necessary to maintain it.

I am long kept in suspense without being able to learn the purpose of Congress respecting my request of recall, and that of some employ-

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\* 10 Sparks' Franklin, 87; 8 Bigelow's Franklin, 492.

ment for my secretary, William Temple Franklin. If I am kept here another winter, and as much weakened by it as by the last, I may as well resolve to spend the remainder of my days here, for I shall hardly be able to bear the fatigues of the voyage in returning. During my long absence from America my friends are continually diminishing by death, and my inducements to return lessened in proportion. But I can make no preparations either for going conveniently or staying comfortably here, nor take any steps towards making some other provision for my grandson, till I know what I am to expect. Be so good, my dear friend, as to send me a little private information.

With great esteem; I am ever yours, &c.,

B. FRANKLIN.

La Fayette to Washington.\*

PARIS, May 14, 1784.

MY DEAR GENERAL: To my great satisfaction my departure is fixed upon for the 10th of next month, when I intend to leave Paris and immediately to embark for America. My course will be straight to Poto-mac, and I do most feelingly anticipate the pleasure of our meeting at Mount Vernon. There is nothing new in France, but that the affair of the free ports is quite settled, and that nothing yet has been done respecting the intended regulations for commerce between America and the West Indies. Government are very friendly to the interest of the United States, but labor under many difficulties; the strongest of all is the complaints of flour merchants, manufacturers, and raisers in the country round Bordeaux. There has been a pretension set up at Vienna by the Empress of Russia for a preëminence of her ambassador over ours, which is foolish and groundless, and from which she must certainly desist. Some Portuguese disputes respecting a settlement in Africa have been decided to the satisfaction of France. Mr. Pitt's party will be the stronger in the new Parliament. But Charles Fox comes in as a member for Westminster, and will head an opposition. The situation of Ireland is critical; the lord lieutenant's conduct has been foolish, and some of the resolutions of the people are very spirited. A German doctor called Mesmer, having made the greatest discovery upon *animal magnetism*, he has instructed scholars, among whom your humble servant is called one of the most enthusiastic. I know as much as any conjurer ever did, which reminds me of our old friend's at Fish-kill interview with the devil that made us laugh so much at his house, and before I go I will get leave to let you into the secret of Mesmer, which you may depend upon is a grand philosophical discovery.

Mr. Jay is gone this morning to Dover, where he intends embarking for America. He has taken care of a family picture, including Madame

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\*2 La Fayette Memoirs, 86.

de La Fayette, our children, and myself, which I beg leave to present to my dear General, as the likenesses are of those who are most affectionately devoted to him.

The whole family join with me in the most respectful compliments to you and Mrs. Washington. Be so kind, my dear General, to remember me to the other inhabitants of Mount Vernon, and to all friends that you may happen to see. Adieu, my dear General; be pleased, with your usual kindness, to receive the tender wishes of one who, more than any man existing, may boast of being, &c.

Mifflin, President of Congress, to Luzerne.\*

IN CONGRESS, May 17, 1784.

SIR: The United States in Congress assembled are informed, by the letter which you were pleased to address to them the 21st of April, that, having the last year requested of his majesty leave to return to France, you learn it has been granted, but that, the official letter of the minister being lost, you expect a duplicate, which will probably arrive in the recess of Congress.

It is with great concern, sir, that Congress receive this information, as it respects a minister for whom they entertain the most perfect esteem.

From the time of your arrival in America to the signing of the provisional treaty the conduct of the war has been attended with numerous difficulties and perils, to surmount which the joint efforts of the United States and of their great and good ally have been necessary.

Congress consider it as a fortunate circumstance that during that period the affairs of his most Christian majesty in this quarter have been under the direction of an able and faithful minister, whose anxiety to promote the views and essential interests of his sovereign has been ever attended with a laudable endeavor to reconcile them to those of his allies. Without such a disposition it is evident there could not have existed a concert of those measures which, by the smiles of Providence, have hastened the conclusion of the late distressing war.

The abilities of the gentleman who, as you are informed, is to be charged with the affairs of your department, and his thorough knowledge of the principles on which the alliance was founded, will, we doubt not, conspire to produce on his part such measures as will best promote the mutual interest of the two nations.

We now, sir, bid you an affectionate adieu, with the fullest assurance that you will be happy in the smiles and approbation of your royal sovereign; and we sincerely wish that you may be equally so in an interview with your friends and in your future engagements.

THOMAS MIFFLIN,  
*President.*

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\* MSS. Dep. of State; 6 Sparks' Dip. Rev. Corr., 137.

Morris to La Fayette.\*

OFFICE OF FINANCE, *May 19, 1784.*

DEAR SIR: By the opportunity which your friend Mr. Constable offers, I now acknowledge the receipt of your several favors of the 26th of December, 10th of January, and 9th of March last. Accept, I pray you, of my sincere thanks for them all. I also enclose for your perusal the copies of my letters to Congress of the 16th of April and of this date. To these I add their resolutions of the 3d instant, which will, I hope, prove agreeable to you. If I have not transmitted the copies of or extracts from your letters to Congress so soon as they were received, you must attribute it to circumstances which I, on the spot, could best judge of, and which is not worth while to mention.

In pursuance of what I have just now said to Congress, I shall proceed to request your exertions for establishing a free port at the Isle of France or Bourbon. You will easily obtain sufficient information in Europe to direct your applications on this subject, and Mr. Constable will, I think, be able to give you some useful information as to the consequences of it upon this country. I confess that it appears to me to be the probable means of establishing at that port the most extensive and useful commerce with India that has ever yet existed. To France and to America it will be most particularly useful, because we shall trade freely and without risk to such port, and you will undoubtedly furnish us with all those articles of India goods which we should otherwise go in search of to India, or procure from other nations. This will form an object of near twenty millions of livres annually, or, calculating both the export and import cargoes, it will amount to about thirty millions, and consequently can not be less than five millions clear advantage to France; and if it be considered that this is so much taken from her commercial rival, we may estimate it as being an object of ten millions annually. Such being the importance of it with respect to America, what may we not calculate on for the other countries who may incline to trade thither? But besides this great commercial consideration, there are others of a political nature; such as the increase of your seamen; the advantage of a place of arms, marine arsenal, &c., in that critical position. These I shall not dwell upon, because I do not wish to go out of my depth.

Returning, then, to a commercial view of the subject, I consider it as almost certain that America would find it more advantageous to trade with that port than to go on to India; and hence I draw one very strong inference that we should not only be by that means brought into a closer political connexion with France, but that France would hold a much larger share of all our other commerce than she would without such an establishment. I will not trouble you with my reasons, because I think they will not escape you. But before I close my letter I

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\* 6 Sparks' Dip. Rev. Corr., 702.

must observe that, although this commerce may, and undoubtedly will, yield you a revenue, yet there is danger in beginning with revenue too soon. Let the port be first made free to all the world, and let good and intelligent commissioners or intendants be appointed to transmit information of the commerce carried on. If there be no duties, there will be no false entries; and thus, in two or three years, the court will be able to act with their eyes open; and in the mean time the enriching of your own subjects is always of sufficient consequence, even if revenue be put entirely out of the question. If, on the other hand, you only free the port by halves, and leave it subject to duties and restrictions, the commerce may never take its course that way; and always remember that the commission received by your merchants from such a commerce is alone of vast importance.

I am, sir, &c.,

ROBERT MORRIS.

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**Report of the Committee of Congress on a Note from the Minister of France respecting an Assault and Battery on Mr. Marbois.\***

MAY 28, 1784.

The committee to whom was referred the note of the Chevalier de la Luzerne, minister of his most Christian majesty, beg leave to report thereon as follows:

Whereas Congress have been informed by a note addressed to them by the Chevalier de la Luzerne, minister plenipotentiary of his most Christian majesty, of the 20th instant, and the papers accompanying the same, that a violation of the laws of nations hath been committed by one Longchamps, who calls himself Chevalier de Longchamps, a subject of his most Christian majesty, by a violent assault and battery by him lately made in the city of Philadelphia upon the person of Mr. Marbois, consul-general and secretary to the above legation, and that although a warrant for apprehending the offender has been duly issued in consequence of directions given by the President of the State of Pennsylvania upon application to him made for that purpose by the said minister, he has not yet been apprehended, but absconds, and is supposed to have fled from justice into some other of these United States.

Wherefore, to the end the said Longchamps may be brought to condign punishment for his said offence, and the privileges and immunities of foreign ministers and of their families and houses be preserved inviolate,

*Resolved*, That it be recommended to the supreme executive authority of each of these United States forthwith to issue their proclamations offering a reward for discovering the said Longchamps so that he may be arrested, and requiring their proper civil officers to arrest him, and

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\* MSS. Dep. of State.

their citizens in general to be aiding and assisting therein, that he may be brought to justice for his said violation of the laws of nations and of the land, and all others may be deterred from the commission of such offenses.

Adopted May 29, 1784.

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Hartley to Franklin.\*

PARIS, *June 1, 1784.*

SIR: I have the honor to inform you that I have transmitted to London the ratification on the part of Congress of the definitive treaty of peace between Great Britain and the United States of America, and I am ordered to represent to you that a want of form appears in the first paragraph of that instrument, wherein the United States are mentioned before his majesty, contrary to the established custom in every treaty in which a crowned head and a republic are parties. It is likewise to be observed that the term definitive *articles* is used instead of definitive *treaty*, and the conclusion appears likewise deficient, as it is neither signed by the President nor is it dated, and consequently is wanting in some of the most essential points of form necessary towards authenticating the validity of the instrument.

I am ordered to propose to you, sir, that these defects in the ratification should be corrected, which might very easily be done, either by signing a declaration in the name of Congress for preventing the particular mode of expression, so far as it relates to precedency in the first paragraph, being considered as a precedent to be adopted on any future occasion, or else by having a new copy made out in America in which these mistakes should be corrected, and which might be done without any prejudice arising to either of the parties from the delay.

I am, sir, with great respect and consideration, &c.,

DAVID HARTLEY.

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\*Franklin to Hartley.

PASSY, *June 2, 1784.*

SIR: I have considered the observations you did me the honor of communicating to me, concerning certain inaccuracies of expression, and supposed defects of formality in the instrument of ratification, some of which are said to be of such a nature as to affect the validity of the instrument.

The first is "that the United States are named before his majesty, contrary to the established custom observed in every treaty in which a

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\*2 Sparks' Dip. Rev. Corr., 503.

†2 Sparks' Dip. Rev. Corr., 504; 1 Sparks' Dip. Corr. of the United States, 381; 8 Bigelow's Franklin, 496.

crowned head and a republic are the contracting parties." With respect to this it seems to me we should distinguish between that act in which both join, to wit., the treaty, and that which is the act of each separately, the ratification. It is necessary that all the modes of expression in the joint act should be agreed to by both parties, though in their separate acts each party is master of, and alone accountable for, its own mode. And, on inspecting the treaty it will be found that his majesty is always regularly named before the United States. Thus, "the established custom *in treaties* between crowned heads and republics," contended for on your part, is strictly observed; and the ratification following the treaty contains these words: "Now know ye, that we, the United States in Congress assembled, having seen and considered the definitive articles aforesaid, have *approved, ratified, and confirmed*, and by these presents do *approve, ratify, and confirm*, the said articles, AND EVERY PART AND CLAUSE THEREOF," &c. Hereby all those articles, parts, and clauses, wherein the King is named before the United States, are *approved, ratified, and confirmed*, and this solemnly under the signature of the President of Congress, with the public seal affixed by their order, and countersigned by their Secretary.

No declaration on the subject more determinate or more authentic can possibly be made or given, which, when considered, may probably induce his majesty's ministers to waive the proposition of our signing a similar declaration, or of sending back the ratification to be corrected in this point, neither appearing to be really necessary. I will, however, if it be still desired, transmit to Congress the observation, and the difficulty occasioned by it, and request their orders upon it. In the mean time I may venture to say that I am confident there was no intention of affronting his majesty by their order of nomination, but that it resulted merely from that sort of complaisance which every nation seems to have for itself, and of that respect for its own government, customarily so expressed in its own acts, of which the English among the rest afford an instance, when in the title of the King they always name Great Britain before France.

The second objection is "that the term definitive *articles* is used instead of definitive *treaty*." If the words *definitive treaty* had been used in the ratification instead of *definitive articles*, it might have been more correct, though the difference seems not great, nor of much importance, as in the treaty itself it is called the present *definitive treaty*.

The other objections are "that the conclusion likewise appears deficient, as it is neither signed by the President, nor is it dated, and consequently is wanting in some of the most essential points of form necessary towards authenticating the validity of the instrument." The situation of seals and signatures in public instruments differs in different countries, though all equally valid; for when all the parts of an instrument are connected by a riband, whose ends are secured under the impression of a seal, the signature and seal wherever placed are understood as



relating to and authenticating the whole. Our usage is to place them both together in the broad margin near the beginning of the piece, and so they stand in the present ratification, the concluding words of which declare the intention of such signing and sealing to be giving authenticity to the whole instrument, viz: "*In testimony* whereof, we have *caused* the seal of the United States to be hereunto affixed; witness his excellency Thomas Mifflin, esquire, President;" and the date, supposed to be omitted, perhaps from its not appearing in figures, is nevertheless to be found written in words at length, viz., "this fourteenth day of January, in the year of our Lord one thousand seven hundred eighty-four," which made the figures unnecessary.

With great esteem and respect, I have the honor to be, &c.,

B. FRANKLIN.

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Franklin to the President of Congress.\*

PASSY, June 16, 1784.

SIR: My letter by Mr. Jay acquainted your excellency that the ratifications of the definitive treaty were exchanged. A copy of the British part was also sent by him.

Mr. Hartley remained here expecting instructions to treat with us on the subject of commerce. The bustle attending a new election and meeting of Parliament he imagined might occasion the long delay of those instructions. He now thinks that the affair of the American trade being under the consideration of Parliament, it is probable no treaty will be proposed till the result is known. Mr. Jay, who sailed for America the 1st instant from Dover, and who saw there several of our friends from London before his departure, and Mr. Laurens, who left London the 6th to go on in the Falmouth packet, will be able to give you more perfect informations than I can of what may be expected as the determination of the British government respecting our intercourse with their islands; and, therefore, I omit my conjectures, only mentioning that from various circumstances there seems to be some lurking remains of ill humor there, and of resentment against us, which only wants a favorable opportunity to manifest itself.

This makes it more necessary for us to be upon our guard, and prepared for events that a change in the affairs of Europe may produce; its tranquillity depending, perhaps, on the life of one man, and it being impossible to foresee in what situation a new arrangement of its various interests may place us. Ours will be respected in proportion to the apparent solidity of our Government, the support of our credit, the maintenance of a good understanding with our friends, and our readiness for defence. All which I persuade myself will be taken care of.

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\* 2 Sparks' Dip. Rev. Corr., 505; 1 Sparks' Dip. Corr. of the United States, 383; 8 Bigelow's Franklin, 502.

Enclosed I send a copy of a letter from Mr. Hartley to me respecting some supposed defects in the ratification, together with my answer, which he has transmitted to London. The objections appeared to me trivial and absurd; but I thought it prudent to treat them with as much decency as I could, lest the ill temper should be augmented, which might be particularly inconvenient while the commerce was under consideration. There has not yet been time for Mr. Hartley to hear whether my answer has been satisfactory, or whether the ministers will still insist on my sending for an amended copy from America, as they proposed.

I do not perceive the least diminution in the good disposition of this court towards us, and I hope care will be taken to preserve it.

The Marquis de la Fayette, who will have the honor of delivering this to you, has, ever since his arrival in Europe, been very industrious in his endeavors to serve us and promote our interests, and has been of great use on several occasions. I should wish the Congress might think fit to express in some proper manner their sense of his merit.

My malady prevents my going to Versailles, as I can not bear a carriage upon pavement; but my grandson goes regularly on court days to supply my place, and is well received there. The last letters I have had the honor of receiving from you are of the 14th of January.

With great respect, I am, sir, &c.,

B. FRANKLIN.

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Morris to the Governor of Rhode Island.\*

OFFICE OF FINANCE, *June 21, 1784.*

SIR: That my official existence has been prolonged to the present moment arises from the dilatoriness of the States in providing means to discharge those engagements which I had taken for their benefit at the pressing instance of Congress. I hope your excellency will believe me when I seriously assure you that the greatest advocates for a change can not more earnestly desire my dismissal than I myself do. I hope that their sincerity and mine will speedily be put to the trial. They by granting money, and I by resigning, can best evince that our professions are founded in truth. Thus, sir, it has happened that the reasons for granting money to the Union have acquired an additional weight from considerations personal to me, and perhaps in the only way in which I could have given to them any efficacy.

Whatever sinister causes may have been suggested to invalidate my former applications, I humbly hope that at this period my earnest entreaty to comply with the requisitions of Congress for funding the public debt will be considered as flowing from a conviction that it is a measure necessary to the peace and happiness of our country. To me

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\* 6 Sparks' Dip. Rev. Corr., 703.

it can produce neither honor, nor power, nor profit. The advantage I may derive will be common with all my fellow-citizens, and I shall share also the burden in common with them. But the numerous class of sufferers in whose particular favor that burden is to be sustained will, I hope, meet with an advocate in every bosom. Justice, policy, humanity, press the measure upon our feelings and reflection; and if it be objectionable let it be considered how seldom any human plans are formed to which objections may not be made. Our Union, necessary as it is to our existence, is still liable to objections. And government, without which we can not participate in the benefits of society will always, in something or other, give room for clamor and discontent.

I hope, sir, this application from me will be at least excused. It is the last. It is the general result of what I feel to be my duty. Those who come after me will, I hope, have that influence which I have not, and succeed where I have failed. But whether they succeed or whether they fail, they can not more earnestly desire the good of America than I do.

I am, &c.,

ROBERT MORRIS.

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J. Adams to the President of Congress.\*

THE HAGUE, *June 22, 1784.*

SIR: If my memory does not deceive me I have heretofore transmitted to Congress the advice of some of the foreign ministers here that the United States in Congress assembled should write a letter to each of the sovereigns of Europe, informing them of the complete establishment of their independence.

Lately, in separate conversations with the ministers of the two empires and the King of Sardinia, they all repeated this advice. They say that this is the rule, the practice, and that the precedents are uniform. The Empress of Russia did it lately, when she ascended the throne. They add that this is the precise point of time, now that the ratifications of the definitive treaty of peace are exchanged, which is the most proper to make the communication, and that their court expect it from Congress.

Congress, no doubt, will write an elegant letter upon the occasion; but it would, in substance, be sufficient to say that on the 4th of July, 1776, they found it necessary to declare themselves a sovereign state; that they have since entered into treaties with several powers of Europe, particularly a treaty of peace with the King of Great Britain, wherein that crown has acknowledged formally and solemnly their sovereignty; and that it is their desire to live in good intelligence and correspondence with the sovereigns of Europe, and of all other parts of

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\* 1 Sparks' Dip. Corr. of the United States, 463.

the world, and with the one in particular; and that there may be friendship and harmony between their respective citizens and subjects. These letters may be transmitted to all or any of your ministers in Europe, to be by them communicated through the foreign ministers at the court where they reside, or they may be transmitted directly. If Congress are at a loss for the titles of any sovereign, they may leave a blank, to be filled by the minister to whom the letter is sent for communication.

The answers which will be respectively given to these letters will prevent many questions, discussions, and chicaneries, because that orders will then be given to all ambassadors, governors, generals, admirals, &c., to treat all American citizens of the United States according to their characters.

With great respect, &c.,

JOHN ADAMS.

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Jay to the President of Congress.\*

NEW YORK, *July 25, 1784.*

SIR: Having waited until the settlement of the public accounts was completed, I left Paris the 16th of May last, and on the 1st of June embarked with my family at Dover, on board the ship *Edward*, Captain Coupur, in which we arrived here yesterday. Mr. Barclay has transmitted, or will soon transmit, to Mr. Morris a state of the above-mentioned accounts; and as it will thence appear that some of the bills drawn upon me have been twice paid, it becomes necessary for me to inform your excellency of the particular and cautious manner in which that business was transacted on my part. Soon after the arrival of the first bills I directed Mr. Carmichael to prepare and keep a book, with the pages divided into a number of columns, and to enter therein the dates, numbers, and other descriptive particulars of every bill that might be presented to me for acceptance, and to which, on examination, he should find no objection. I made it an invariable rule to send every bill to him to be examined and entered previous to accepting it; and from that time to the day I left Spain I never accepted a single bill until after it had been inspected and sent to me by him to be accepted. Further, to avoid mistakes and frauds, I also made it a constant rule that every bill presented for payment should undergo a second examination by Mr. Carmichael, that if he found it right he should sign his name on it, and that the bankers should not pay any bill unless so signed.

The bills twice paid, or rather the different numbers of the same set, stand entered in different places in the book above mentioned; and I can only regret that the entries of the numbers first presented and ac-

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\* MSS. Dep. of State; 4 Sparks' Dip. Rev. Corr., 536.

cepted were not observed by him, either at the time when the subsequent ones were offered for acceptance, or at the time when they were afterwards brought for payment.

It gives me pleasure to inform your excellency that the British and American ratifications of the treaty of peace were exchanged a few days before I left Paris. The day of my departure I received, under cover from Mr. Franklin, a copy of the British ratifications, which I have the honor to transmit herewith enclosed.

With great respect and esteem, I have the honor to be, &c.,

JOHN JAY.

P. S.—I shall send with this letter to the post-office several others which were committed to my care for your excellency.

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**Franklin to Argenteau.\***

PASSY, *July 30, 1784.*

SIR: I have the honor to communicate to your excellency an extract from the instructions of Congress to their late commissioners for treating of peace, expressing their desire to cultivate the friendship of his Imperial majesty, and to enter into a treaty of commerce for the mutual advantages of his subjects and the citizens of the United States, which I request you will be pleased to lay before his majesty. The appointing and instructing commissioners for treaties of commerce with the Powers of Europe generally has, by various circumstances, been long delayed, but is now done, and I have just received advice that Mr. Jefferson, late Governor of Virginia, commissioned with Mr. Adams, our minister in Holland, and myself, for that service, is on his way hither, and may be expected by the end of August, when we shall be ready to enter into a treaty with his Imperial majesty for the above purpose, if such should be his pleasure.

With great and sincere respect, &c.,

B. FRANKLIN.

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**Argenteau to Franklin.\***

[Translation.]

PARIS, *July 30, 1784.*

SIR: I have received the letter you did me the honor to write to me this morning, and I shall lose no time to transmit the contents to my court.

The sentiments of the Emperor towards the United States of America make me foresee the satisfaction which his majesty will have to enter

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\* 2 Sparks' Dip. Rev. Corr., 515.

into reciprocal, suitable, and advantageous connexions with them. I have not the least doubt but that measures will be instantly taken on this subject to concert with you, sir, and with the appointed ministers plenipotentiary, and as soon as the answer from my court shall come I shall instantly communicate it to you.

I have the honor to be, &c.,

DE MERCY ARGENTEAU.

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Morris to Marbois.\*

OFFICE OF FINANCE, *August 17, 1784.*

SIR: I had yesterday the honor to receive your letter of the 15th, by which I perceive that you misunderstood me a little in the conversation alluded to. On that occasion, sir, I expressed my intention to take arrangements for the payment of four hundred thousand livres, being the interest due in November next upon the loan of ten million livres guarantied by his most Christian majesty, but I could not have told you that they were actually taken, because that is not the fact. Indeed, I did expect that certain attachments which have been laid upon the property of the United States in France would have been taken off, and that in consequence of orders formerly given, Mr. Grand would have received through Mr. Barclay the necessary funds. Should this be the case, he will pay that interest, of course, having already done so last year in pursuance of a general authority to that effect. If, however, the suspense occasioned by those attachments should cause any delay, the King's ministers, who were long ago informed of them, will doubtless excuse the inconveniences which may result from it. The arrangements now to be formed must be in a double sense eventual, and depend not only upon the fate of the attachments, but also upon the state of those funds which may be in Europe at the disposition of the United States.

I should be happy, sir, in the opportunity of satisfying your desire to be informed of the measures taken with respect to those sums which the King was pleased to lend, and which (with the interest accruing thereon) are payable at the several epochas specified for the purpose in the conventions made on that subject between our respective ministers; but not having received the orders of the United States in Congress, I can not presume to anticipate what they may think proper to say. I will immediately do myself the honor of transmitting to his excellency, the President, a copy of your letter; and as I can not doubt that both those measures which they have already taken and those which they may hereafter adopt must be perfectly consistent with their honor, I shall indulge the hope that they will meet the approbation of their august ally.

I have the honor to be, &c.,

ROBERT MORRIS.

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\* 6 Sparks' Dip. Rev. Corr., 704.

**Vergennes to Franklin.\***

[Translation.]

VERSAILLES, *August 27, 1784.*

SIR: You have communicated to me an extract from the instructions, which Congress addressed to you on the 11th of May last, which imports that the United States will in no case treat any other nation with respect to commerce more advantageously than the French. This disposition is much the wisest, as it will prevent those misunderstandings which might arise from the equivocal terms in which the 2d article of the treaty of amity and commerce, signed February 6th, 1778, is conceived. But that the resolution of Congress on this subject may be clearly stated, it would be best, sir, that you furnish me with it in the form of a declaration, or at least in an official note, signed by yourself. I have no doubt that you will adopt one of these two forms.

I have the honor to be, &c.,

DE VERGENNES.

**Franklin to Vergennes.†**PASSY, *September 3, 1784.*

SIR: I have the honor to transmit to your excellency, by order of Congress, a resolution of theirs dated the 11th of May last, which is in the words following, viz:

*Resolved*, That Doctor Franklin be instructed to express to the court of France the constant desire of Congress to meet their wishes; that these States are about to form a general system of commerce by treaties with other nations; that, at this time, they can not foresee what claim might be given to those nations by the explanatory propositions from the Count de Vergennes, on the 2d and 3d articles of our treaty of amity and commerce with his most Christian majesty, but that he may be assured it will be our constant care to place no people on more advantageous ground than the subjects of his majesty.

With great respect, I am, &c.,

B. FRANKLIN.

**Vergennes to Franklin.‡**

[Translation.]

VERSAILLES, *September 9, 1784.*

SIR: I have received the letter which you did me the honor to write me the 3d instant. You there declare in the name of Congress that the United States will be careful not to treat any other nation, in matters

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\* MSS. Dep. of State, 2 Sparks' Dip. Rev. Corr., 516.

† 2 Sparks' Dip. Rev. Corr., 516; 1 Sparks' Dip. Corr. of the United States, 386.

‡ 2 Sparks' Dip. Rev. Corr., 517.

of commerce, more advantageously than the French nation. This declaration, founded on the treaty of the 6th of February, 1778, has been very agreeable to the King; and you, sir, can assure Congress that the United States shall constantly experience a perfect reciprocity in France.

I have the honor to be, very sincerely, sir, &c.,

DE VERGENNES.

Charles, King of Spain, to Congress.\*

[Translation.]

ST. ILDEFONSO, *September 25, 1784.*

GREAT AND WELL-BELOVED FRIENDS: Desiring to give you proofs of the good will and consideration with which we regard you, and to provide that our respective subjects should enjoy from their mutual intercourse and commerce all the benefit which can be produced thereby, I have named the Commissary of my royal armies, Don Diego De Gardoqui, to go and reside near you in quality of my Encargado de Negocios, on account of the satisfaction I have in his good conduct. I hope he will avail himself of it to render himself acceptable, and that you will give entire faith and credit to all that in my name he shall say to you, and that you will admit and treat him in a manner consistent with your good correspondence. I pray God, great and well-beloved friends, to preserve you in His holy keeping.

Your good friend,

CARLOS.

JOSEPH MONINO.

Argenteau to Franklin.†

[Translation.]

PARIS, *September 28, 1784.*

SIR: With respect to the proposition of the United States of America, that I forwarded to my court, concerning the arrangements of commerce to be adopted by the respective dominions, I have received the order, sir, which I have the honor to communicate to you, that his majesty the Emperor has agreed to said proposition, and that he has directed the Government General of the Low Countries to adopt measures to put it in execution.

When the particulars respecting this matter shall be sent to me, I shall instantly communicate them.

\* 3 Sparks' Dip. Corr. of the United States, 137.

† 2 Sparks' Dip. Rev. Corr., 517.



I avail myself of this opportunity to renew the assurances of the most perfect attachment, with which I have the honor to be, &c.,

DE MERCY ARGENTEAU.

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Morris to the President of Congress.\*

OFFICE OF FINANCE, *September 30, 1784.*

SIR: I had the honor of mentioning to Congress, upon the 4th of May, the advices then just received from Holland, and to pray their sentiments upon the loan which the Hon. Mr. Adams had (upon a view of all circumstances) found it necessary to open. I was the more anxious on this subject, as I saw a probability of the speedy completion of this loan for two million guilders, and therefore, if not approved of, no time should have been lost in stopping the further progress.

Since writing that letter I have received the scheme of the loan and a copy of the obligation, both of which are here enclosed for the inspection and consideration of the United States in Congress. It is probable that not only this loan, but also the former loan of five millions, will both be filled before any determinations of Congress can arrive in Europe; for the concurrence of many States to the measures proposed by Congress, and the resolutions of several legislative bodies expressing their sense of the necessity of enabling the United States punctually and honorably to discharge their engagements, have reanimated that credit which for evident reasons had languished and died away.

The public accounts will sufficiently explain the situation of money matters, and the gentleman charged with the Department of the Finances will of course furnish such information as may from time to time be required. I shall not therefore go any further into the details of this business, but must express to Congress my opinion of the loan generally; and certainly, if we consider the very untoward circumstances in which it was undertaken, very great praise is due to the persons concerned in proposing, adopting, and pursuing it. This sentiment, which I have constantly felt, has not been declared until the present moment, because no suspicion can now arise that what I say is dictated by a view to influence their future exertions, seeing that my political existence must be at an end before the contents of this letter can possibly be transmitted.

I have invariably in my official correspondence (as indeed upon every other occasion, both public and private) expressed the conviction I feel, that however the several States may, from a difference in local circumstances, differ in their opinions about the mode of providing for public debts, all of them will concur in the just sentiment that these debts ought to be most punctually discharged. There can not, therefore, be any doubt that the proper provisions will be made, and I am

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\* MSS. Dep. of State; 6 Sparks' Dip. Rev. Corr., 705, with verbal changes.

grounded in the assertion that when made the public credit of America will be the best of any in the world; that it will cost less to maintain it by us than by any other nation, and that considering the infant state of our cultivation in general, that of our frontiers in particular, it is of more importance to us than it can be to any other country. It is also a commercial problem which admits of absolute demonstration that the punctual payment of interest on our debts will produce a clear annual gain of more than such interest can possibly amount to. So that the eternal and immutable principles of truth and justice being for a moment out of the question, and stifling those sentiments of humanity which arise from a view of what the public creditors must suffer should their views be withheld (if indeed it be possible to stifle such sentiments), still it will indisputably appear to be the interest of the merchant, as well as of the husbandman and mechanic, to pay their just proportions towards discharging the public engagements. For this plain and simple system of common honesty, while it invigorates the springs of our credit, strengthens also the bands of our union, proceeding with equal motion towards the public weal and private prosperity.

That the labors of our great and glorious Revolution may thus be crowned by the impartial hand of justice, and the last stone be thus placed in the arch of our extensive empire, is the ardent wish of your excellency's most obedient, &c.,

ROBERT MORRIS.

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Morris to Franklin.\*

OFFICE OF FINANCE, *September 30, 1784.*

DEAR SIR: This is rather a late day to acknowledge your favors of the 25th December and 15th of June last, but I have always intended in my acknowledgment of them to close our public correspondence, and I have always been disappointed in my expectation of being able speedily to quit this office. That period, however, so ardently desired, is at length nearly arrived, and while I look back on cares and dangers past, I feel an increased emotion of joy in the prospect of future hopes and expectations. But I cannot review the past scene without strong feelings of gratitude and respect for the able and active efforts which you have made to support the finances of this country. I would to God that your just sentiments on property and taxation were as fully felt as they must be clearly understood in America; but time is as necessary to mellow the judgment of a country as of a man. Happy indeed shall we be if it produce that effect among us.

I am much obliged by your explanation of M. Chanmont's accounts, which are lodged at the Treasury. If any insinuations have been made injurious to you upon your connexion with M. Chaumont, they have not

reached me, and I am persuaded that none such can make any impressions which ought to give you pain.

I have not remitted bills for the salaries of foreign ministers, because the resolutions of Congress having varied, and Mr. Grand having informed me that he should pay them, I have left it as an account unsettled to be arranged by Mr. Barclay. And as I cannot doubt that the attachments will have been taken off, and as I have given Mr. Grand a credit on the commissioners of the loan in Holland for 400,000 livres, and directed Messrs. Le Couteulx to pay over to him a balance in their hands, I have no doubt that he will be in cash for the purpose. I agree with you that a fund ought to be set apart for contingencies, and had I continued, and been supported in my administration, such a fund should certainly have been provided. I am at the same time an enemy to contingent accounts, and therefore I should have urged the ascertainment of every allowance as far as possible, thereby curtailing the account of contingencies. But, after all, it cannot be annihilated. Congress have hitherto made no determination on this subject. Indeed it is very difficult, and even almost disreputable, for them to make arrangements of expenditure, while the means of expenditure are so shamefully withheld by their constituents. These things, however, will mend; at least I hope so.

I have already said that I expected the attachments laid on the public goods would be discharged. Your letter to the Count de Vergennes on that subject is perfect, and if that minister did not immediately obtain a compliance with your request, I presume it must have been occasioned by some circumstances purely domestic, which we in this country cannot guess at, for certainly nothing can be more astonishing than to find a subject countenanced in arresting the property of a sovereign power in this enlightened age, and in the country which, of all others, has been most eminent for a sacred regard to the rights of nations.

From your last letters to your friends, I find that your return to this country is somewhat doubtful; I am therefore disappointed in one of the greatest pleasures which I had promised myself. But, sir, in whatever country you may be, and whether in public or in private life, be assured of my warmest and most respectful esteem, and that my best wishes for your happiness shall be clothed with the utmost efforts in my power to promote it on every proper occasion.

I am, sir, with perfect respect, etc.,

ROBERT MORRIS.

Morris to the President of Congress.\*

OFFICE OF FINANCE, *September 30, 1784.*

SIR: I do myself the honor to enclose for the inspection of Congress a copy of a letter of the 14th of last month from the Marquis de la Fayette; and with it I send the originals which were delivered by him to me. The unexampled attention to every American interest which this gentleman has exhibited can not fail to excite the strongest emotions in his favor, and we must at the same time admire the judgment which he has shown in the manner of his application, as well as the industry in selecting proper materials. There can be little doubt that his interest at his own court must always prove beneficial to this country, while the same cordiality shall continue which now subsists between him and the venerable plenipotentiary now resident at Passy.

I shall not hazard opinions upon the matters which have employed the attention of M. de la Fayette as a negociator from this country to that which gave him birth. It would be intruding sentiments which will suggest themselves. But while I feel the delicacy and perhaps danger of asking from France the moderation or abolition of particular duties, thereby establishing a precedent for similar requests on her part, I hope Congress will pardon a wish prompted by the general interests of commerce, that the statement of all those duties might be translated and published, for the government of those who may form expeditions to those different ports now opened to us.

I have the honor to be, &c.,

ROBERT MORRIS.

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From Florida Blanca to the President of Congress.†

[Translation.]

ST. LORENZO, *October 8, 1784.*

DEAR SIR: The King being desirous to manifest to the United States of America the consideration with which he regards them, and to provide that their respective subjects shall enjoy, in their mutual intercourse and commerce, all the benefits which they can produce, his majesty has named the Commissary of his royal armies, Don Diego de Gardoqui, to go and reside near the Congress, in quality of his *chargé d'affaires*, on account of the satisfaction which his majesty has in his good conduct. His majesty hopes that, by the same means, he will render himself acceptable to the Congress, and that they will give entire faith and credit to all that he shall declare to them in his royal name; and that they will admit and treat him in the manner most conformable to the good correspondence which happily subsists between

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\* MSS. Dep. of State; 6 Sparks' Dip. Rev. Corr., 709, with verbal changes.

† 3 Sparks' Dip. Corr. of the United States, 239.

his majesty and the States. On this occasion I can not omit to assure your excellency of my attention and esteem, praying to God to preserve your excellency many years.

THE COUNT DE FLORIDA BLANCA.

**Morris' Advertisement.\***

PHILADELPHIA, *October 11, 1784.*

The subscriber having taken measures to provide for the payment of his various engagements on behalf of the United States, and particularly for such of his notes as may be in circulation, gives this public notice to all who may be concerned therein, that although he be no longer in office, yet those notes will all be duly paid at maturity, and for such payment he hereby pledges himself personally to the holders, and therefore requests that if any attempt should be made to obtain them by any suggestions at less than the specified value, such attempts may be defeated.

ROBERT MORRIS.

**Carmichael to the President of Congress.†**

MADRID, *October 12, 1784.*

SIR: I had the honor to inform Congress on the 5th instant of the nomination of Mr. Gardoqui by his Catholic majesty as his representative to the United States. The letter I addressed your excellency on that occasion, and those of the 27th of July and 16th of August, will have advised Congress of the preliminary steps which led to this nomination. Mr. Gardoqui set off for Cadiz yesterday. The letter above mentioned and copies of the others have been sent by the safest opportunities I could procure to be forwarded by my correspondents in France, by Mr. Harrison and by a vessel at Bilbao, bound to Salem. Having just been told that a courier on commercial objects is immediately to set out for France, I profit of this occasion of conveying this letter out of Spain without its being liable to inspection.

Since I had the honor of addressing Congress on the 5th instant I have received an answer from his excellency the Count de Florida Blanca to an application I made requesting him to enable me to give precise information of the nature of Mr. Gardoqui's commission and the character in which I should announce him in America; for, although I had *viva voce* information on this point, I thought it would be proper to have the same repeated in writing to obviate any misunderstanding that might hereafter arise on this subject. No. 1 is a copy of his excellency's answer.

\* MSS. Dep. of State; 6 Sparks' Dip. Rev. Corr., 710.

† 3 Sparks' Dip. Corr. of the United States, 287.

As it is my duty to throw all the light possible for me to procure on the objects of Mr. Gardoqui's instructions, I have been very assiduous to obtain information that may be serviceable in the course of the negotiations. In consequence of my endeavors, I have had the good fortune to see a letter written by his excellency the Count de Florida Blanca to the Count de Galvez, of which No. 2 is a copy. I look upon the acquisition of this paper as fortunate, because it contradicts assertions made to me by the ministers of the Indies, his nephew the Governor of Havana, and Mr. Gardoqui, as if the proposal of the navigation of the Mississippi in favor of the United States was inadmissible on the part of Spain, which, on no consideration, would enter into negotiation on this subject. As it is of the utmost importance for the future services which I may render them that an account of this letter having fallen into my hands should not become known to this court, I hope I shall be pardoned in recommending the greatest secrecy. Congress will see, in the course of the negotiation, whether this information is useful. I am persuaded that the language above mentioned will be held by Mr. Gardoqui, and that to conciliate the States to such an important sacrifice, concessions on other points favorable to our commerce will be offered. Perhaps it may be well to know what these advantages and concessions are before this essential object becomes the subject of discussion. I have set at work in my little sphere every engine that can enable me to know the real views and intentions of the ministry, and shall not fail to give immediate notice to Congress of the result of my efforts. The courier waiting only for my letters, I am constrained to close them without having time to make out copies of the translations.

I have the honor to be, &c.,

WILLIAM CARMICHAEL.\*

\*FROM COUNT DE FLORIDA BLANCA TO COUNT DE GALVEZ.

[Translation.]

AT THE CONVENT OF ST. LAURENS, *October 2, 1784.*

The King having appointed Don Diego de Gardoqui to go and reside in the United States of North America, charged with the affairs of his majesty, and the regulation of the boundaries and the navigation of the Mississippi being the most important subjects of which he will have to treat, he is authorized to confer with your excellency on those points, and to consult with you how far it may be proper to modify the same, as regulated by the instruction of the 29th July last, of which, on account of the confidence reposed by his majesty in your excellency's talents and zeal, a copy is, by order of the King, sent to your excellency, that you may proceed in this business to fulfil his royal will. I refer to Don Joseph de Galvez whatever may occur to your excellency touching the manner in which Don Diego Gardoqui should direct his correspondence, and the measures necessary to be taken to provide for his expenses, and also send him the order of the King. May God preserve your excellency many years.

THE COUNT DE FLORIDA BLANCA.

FROM COUNT DE FLORIDA BLANCA TO WILLIAM CARMICHAEL.

[Translation.]

ST. LAURENS, *October 7, 1784.*

SIR: I have given an account to the King of the paper which you addressed to me the 4th instant, mentioning my having given orders for taking some American sea-

Franklin to Thomson.\*

PASSY, October 16, 1784.

DEAR SIR: It was intended by the commissioners to write a joint letter to Congress, but I am afraid the opportunity may be missed. This may serve to inform you that propositions of treating have been made by us to all the powers of Europe according to our instructions, and we are waiting for their answers. There are apprehensions here of a war between the Emperor and Holland, but as the season is not proper for opening a campaign, I hope the winter will give time for mediators to accommodate matters. We have not yet heard that Mr. Jay has accepted the secretaryship of foreign affairs.

I am ever, my dear friend, yours most affectionately,

B. FRANKLIN.

De Vergennes to Franklin.†

VERSAILLES, October 30, 1784.

SIR: I am informed by a letter from M. de Marbois, dated Philadelphia, August 24th ultimo, that he had communicated with Mr. Morris, respecting the interest of the loan of Holland made on account of the

men well acquainted with the coast on board the frigate which is to carry Don Diego de Gardoqui, in order to her having a safer voyage; and desiring to be enabled to inform Congress with certainty of the nature of his mission, that they may be seasonably prepared to receive him agreeably to the etiquette established for the representatives of other nations. His majesty is pleased with this new proof of your desire to contribute to a good understanding and harmony; and orders me to inform you that his intention in sending Don Diego de Gardoqui to Congress being to confirm the friendship between the Crown of Spain and the United States, to regulate their mutual commerce, the boundaries of their respective frontier possessions, and the points and interests common to both, his majesty has conferred full and formal powers, so that in this respect, he may be considered as a plenipotentiary. But as the United States have not conferred upon you any other title than that of *chargé d'affaires*, Don Diego de Gardoqui will only have the same; but notwithstanding it is not usual in Europe for sovereigns to give credentials to mere *chargé d'affaires*, yet, considering the circumstances of this commission, he will have credentials from his majesty to the United States; and the King chooses, as a mark of distinction which they merit, that it shall be in every respect similar to what his majesty gives to the ministers which he sends to the United Provinces of the Low Countries, with this exception only, that the latter are in French, and Mr. Gardoqui's will be in Spanish.

His majesty hopes no difficulty will occur in the reception of Don Diego de Gardoqui; and in his presenting his credentials to Congress with proper formality; but although attention has thus been paid to what might happen, he will carry a letter of credence to the President of Congress, that by means thereof, and of the full powers given by his majesty, the execution of his commission may not be delayed on account of points of etiquette.

I have given you, sir, with great freedom, the information you desired. I renew my desire to do what may give you pleasure, and that God may preserve you many years.

THE COUNT DE FLORIDA BLANCA.

\* 2 Sparks' Dip. Rev. Corr., 518.

† 1 Sparks' Dip. Corr. of the United States, 387.

United States of America under the guarantee of the King; also for the other debts of said States towards his majesty, acknowledged and stipulated in the contracts passed between us on the 16th July and 25th February, 1783.

M. de Marbois informs me that in pursuance of his conversation and correspondence on this matter with the superintendent of finances, Mr. Gouverneur Morris, his assistant, took the trouble to call on him, and has verbally announced to him that the superintendent would be able to cause to be paid at the treasury the four hundred thousand livres, being the amount of interest due in November next on the loan of ten millions guarantied by the King; and that orders would be sent in consequence to Amsterdam as well as to Mr. Grand, at Paris. I have no doubt but that this banker has already received the orders and necessary instructions to fulfil this object, and also for the execution of the other engagements made by Congress, stipulated in the two contracts above mentioned. I mean by this the interest and such part of the capital of the debt of the United States, to his majesty, as will become due next year. Although I have no doubts as to their punctuality to fulfil their engagements on this point, yet, sir, I think it my duty to bring them to your recollection, wishing you to write on the subject to the general Congress, in order that they may, beforehand, take the necessary measures for the execution of the points agreed upon by our treaties. I will be much obliged to you to inform me of the steps you have taken on this subject, and afterwards of the resolutions of Congress accordingly. In the meantime, I have first communicated M. de Marbois' opinion to the comptroller general, and have desired him to consult on the subject with Mr. Grand, who must have received orders from Congress touching the interest of the Dutch loan.

I have the honor to be, &c.,

DE VERGENNES.

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Morris to the President of Congress.\*

OFFICE OF FINANCE, *November 1, 1784.*

SIR: I have the honor of enclosing to your excellency, and pray you will deliver to the United States in Congress, the commission by which I was appointed superintendent of their finances. It gives me great pleasure to reflect that the situation of public affairs is more prosperous than when that commission issued. The sovereignty and independence of America are acknowledged. May they be firmly established and effectually secured. This can only be done by a just and vigorous government. That these States, therefore, may be soon and long united under such a government, is my ardent wish and constant prayer.

With perfect respect, I have the honor to be, etc.,

ROBERT MORRIS.

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\*MSS. Dep. of State; 6 Sparks' Dip. Rev. Corr., 710.



Franklin to Thomson.\*

PASSY, *November 11, 1784.*

DEAR FRIEND: I received your kind letter of August 13th, with the papers annexed, relative to the affair of Longchamps. I hope satisfaction will be given to M. Marbois. The commissioners have written a joint letter to Congress. This serves to cover a few papers relative to matters with which I was particularly charged in the instructions. I shall write to you fully by the next opportunity, having now only time to add, that I am, as ever, yours, most affectionately,

B. FRANKLIN.

P. S.—I executed the instructions of October 29th, 1783, as soon as I knew the commissions for treating with the Emperor, &c., were issued, which was not till July, 1784. The three letters between the Emperor's minister and me are what passed on that occasion.

B. F.

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Report of Secretary Jay on the letter of John Adams, esq., dated 22d June, 1784.†

OFFICE FOR FOREIGN AFFAIRS, *March 4, 1785.*

The Secretary of the United States of America for the Department of Foreign Affairs, to whom was referred a letter of the 22d June, 1784, from the honorable John Adams, esq., reports as his opinion:

That Congress, by their declaration of the 4th July, 1776, announced the *independence* of the United States to all the nations of the world, and that it was then as perfect and complete as it now is or ever can be.

That it would be most prudent, in the opinion of your Secretary, for Congress, in speaking of the treaty of peace, to avoid as much as possible connecting their independence with it, lest such connection, unless exceedingly guarded, might afford matter to argue an admission that their independence was indebted for legal validity to the acknowledgment of it by Great Britain.

That as a state of war between any two nations calls upon the others to observe and fulfil those duties which either the laws of neutrality, of particular treaties, and compacts may prescribe, it is important to all to be properly informed of the time when such war commences and when it ceases.

Your Secretary therefore thinks it would be right for Congress, by letter, to announce to the sovereigns of Europe that the war which lately subsisted between his Britannic majesty and the United States was terminated by the treaty of peace made between them at Paris on

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\* MSS. Dep. of State; 2 Sparks' Dip. Rev. Corr., 518.

† MSS. Dep. of State; 1 Sparks' Dip. Corr. of the United States, 464.

the 3d day of September, 1783, and that to avoid the necessity of saying anything on the subject of it, a copy of the treaty should be enclosed in the letter.

Your Secretary submits the following draft of such a letter to the consideration of Congress :

To ——— :

It gives us pleasure to inform your majesty that the war which for many years had subsisted between his Britannic majesty and the United States of America was happily terminated on the 3d day of September, 1783, by a treaty of peace, which has since been formally ratified by both parties.

The respect we entertain for your majesty induces us to inform you of this important event, and, for your further satisfaction, to enclose you a copy of the treaty.

Permit us to assure your majesty of our sincere desire to cultivate harmony and a friendly intercourse between your majesty's subjects and our citizens; and that we wish to see the commerce of these States with other nations so regulated as to become reciprocally beneficial to them and to us.

When it is considered that monopoly and restraint on one side always produce monopoly and restraint on the other, and that attempts to obtain partial advantages usually occasion equivalent embarrassments, we flatter ourselves that in this enlightened age a policy more consonant to the honor and happiness of mankind will by degrees prevail.

We, for our parts, shall be happy to enter into a treaty of amity and commerce with your majesty on the most liberal principles; and we have reason to hope that the various productions and rapid population of our thirteen countries will give them some weight in the commercial state.

We pray God to keep your majesty under His holy protection.

Done by the United States of America in Congress assembled, at their chamber in the city of New York, on the ——— day of ———, one thousand seven hundred and eighty-five.

All which is submitted to the wisdom of Congress.

JOHN JAY.

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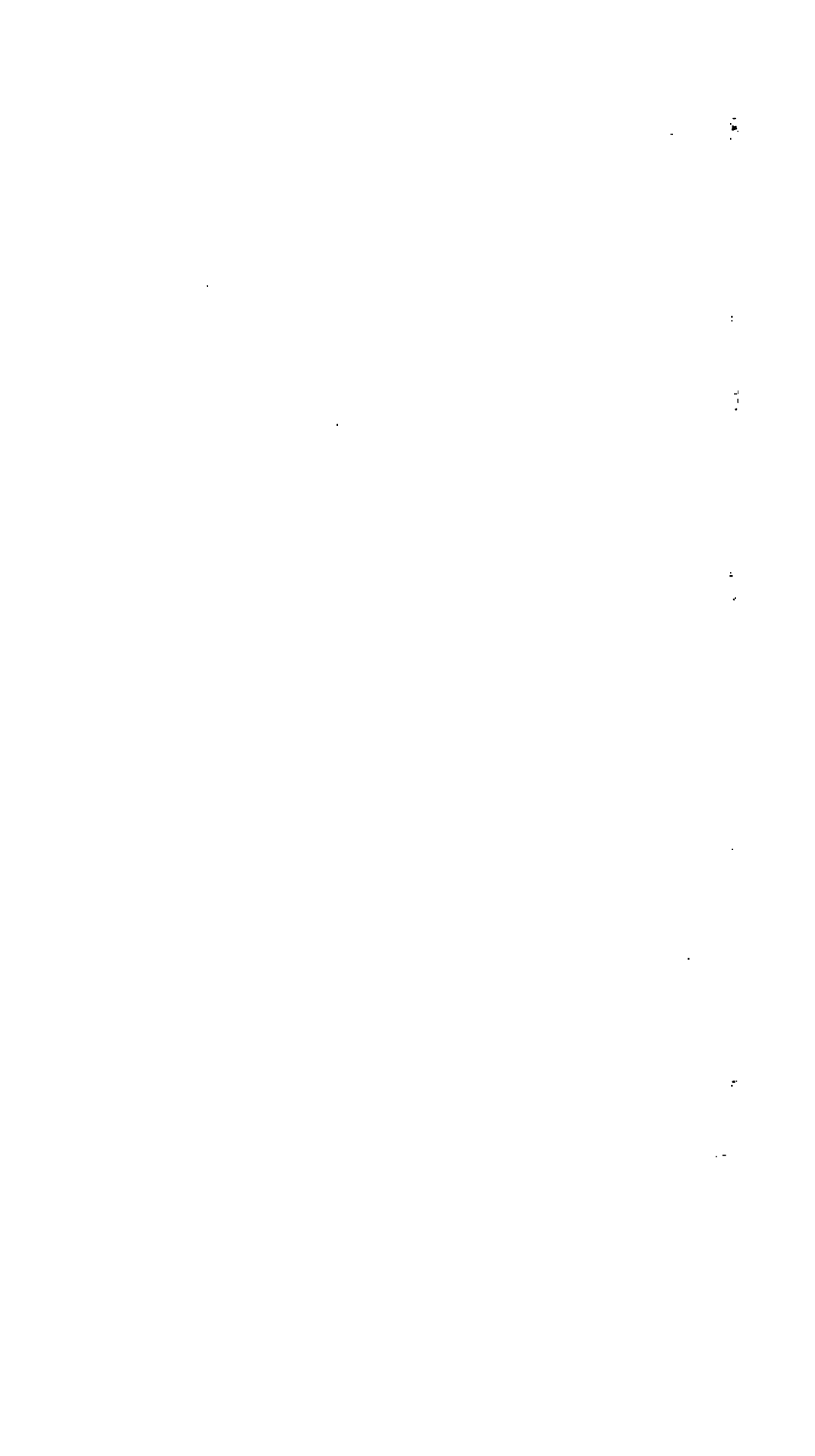
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